



भारत का राजपत्र

The Gazette of India

प्राप्तिकार से प्रकाशित
PUBLISHED BY AUTHORITY

संख्या 48]

सर्व विलोनी, शनिवार, नवम्बर 30, 1996/अग्रहायन 9, 1918

No. 48] NEW DELHI, SATURDAY, NOVEMBER 30, 1996/AGRAHAYANA 9, 1918

इस भाग में भिन्न पृष्ठ संलग्न दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3.—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा नियाय को छोड़कर) द्वारा भारी रूप से जारी नियम और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय भंडालय

(विधि वार्ष विभाग)

नई विलोनी, 15 नवम्बर, 1996

सूचना

कांस्ट्रॉ 3303—रोटरीज नियम, 1956 के नियम 6 के अनुसरण में स्थान प्राधिकारी द्वारा यह सूचना दी जाती कि है श्री इन्द्रजीत एन्ड विट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इन बात के तिरंविय है कि उसे जिला न्यायालय करनाल (हरियाणा) में अधिसाय करने के लिए तोटरी के रूप में नियुक्त पर फिरी भी प्रकार का आक्षेप इस सूचना के प्रकालन के चौदाहर दिन के शीतर लिखित रूप से मेरे पास भेजा जाए।

[रा. 5(205)/96-न्यायिक]

एन०सी० जैन, रक्ष्य प्राधिकारी एवं अपर
किधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

New Delhi, the 15th November, 1996

NOTICE

S.O. 3303.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1996 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Inder Jit, Advocate for appointment as a Notary to practise in District Courts, Karnal (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(205)/96 Judl.]

N. C. JAIN, Competent Authority
& Additional Legal Adviser

नई दिल्ली, 15 नवम्बर, 1996

सूचना

का.आ. 3304 :—नोटरीज नियम, 1956 के नियम 6 के अनुसारण में सक्षम प्राधिकारी द्वारा यह मूचना दी जाती है कि मृ. श्री एकता एस० बजीरानी, एडब्ल्यूकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली/नई दिल्ली (राष्ट्रीय राजधानी) में अवसाय करने के लिए नोटरी के रूप में नियुक्त पर किसी भी प्रकार का आवेदन इस मूचना के प्रकाशन के त्रैदृश्य के भीतर लिया रखा रूप में मेरे पास भेजा जाए।

[सं० ५(२०६)/९६-न्यायिक]
एन०सी० जैन, सक्षम प्राधिकारी पूर्व
अपर विधि मलाहकार

New Delhi, the 15th November, 1996

NOTICE

S.O. 3304.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Ms. Ekta S. Vijiapani, Advocate for appointment as a Notary to practise in Delhi/New Delhi N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. ५(२०६)/९६-Judt.]
N. C. JAIN, Competent Authority
& Additional Legal Advisor

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक तथा प्रशिक्षण विभाग)

नई दिल्ली, 22 नवम्बर 1996

आदेश

का० आ० 3305 :—दिल्ली विधेय पुलिस स्थापना अधिनियम, 1946 (1946 के अधिनियम सं० २५) की धारा 6 के साथ पर्यात धारा ५ की उप-धारा (1) द्वारा प्रदत्त, शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, मध्य प्रदेश गृह (पुलिस) विभाग के दिनांक ३ अगस्त, 1986 के आवेदन सं० 4554/96/सी-१ द्वारा मिली मध्य प्रदेश राज्य सरकार की सहमति से, श्री बी०के० देवकर, आई०पी०एस०, तत्कालीन परिवहन आयुक्त, मध्य प्रदेश के विज़लङ्ग लोक सभा आम सुनाओं (1996) के लिए लोक सभा के उम्मीदवाओं को धारा ५ सुहैया करने से संबंधित आरोपों और उन से संबंधित व्यक्तियों, दुष्प्रेरणों और विषयों तथा उन्हीं तथ्यों से उद्भूत होने वाले वैसे ही संव्यवहार के बारे में किए गए किसी अन्य अपराध या अपराधों के मामले में अन्वेषण के लिए दिल्ली विधेय पुलिस स्थापना के सभस्यों की शक्तियों और

आधिकारिता का संपूर्ण मध्य प्रदेश राज्य में विस्तार करना है।

[सं० २२८/४०/९६-वी०डी० ई]

एन०सी० जैन, उप-भर्त्ता

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 22nd November, 1996

ORDER

S.O. 3305.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Madhya Pradesh, Home (Police) Department Order No. 4554/96/C-1 dated 3rd August, 1996, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of the offences of the case against Shri V. K. Deoskar, IPS, the then Transport Commissioner, Madhya Pradesh relating to the appeal of providing vehicles to Lok Sabha candidates for the Lok Sabha General Election (1996) and attempts, abetments and conspiracies in relation thereto and any other offence or offences committed in the course of the same transaction arising out of the same.

[No. 228/40/96-AVD. II]

S. C. TEWARY, Dy. Secy

विन मंत्रालय

(राजस्व विभाग)

आयकर महानिदेशक (छठ) का कार्यालय

कलकत्ता 2 निवार, 1996

आयकर

का.आ. 3306 : भर्वसाधारण को एतदपाश सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संघ” के संवर्ग के अधीन अन्वेषित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए असर लेखा बहिर्यां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान भवंधी कार्यों का एक वार्षिक विवरण प्रत्येक विवरण वर्ष के लिए प्रयोक वर्ष के ३१ मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रोश्योगिकी भवन, न्य मंहरगंगी गांड, नई दिल्ली-११००१६ को भेजेगा, और

(iii) यह प्रत्येक वर्ष के ३१ अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छठ), (ख),

सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/प्रायकर महानिदेशक (छूट) जिनके क्षेत्राधिकारी में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दो गई रिसर्च किए गये संबंधित छूट के बारे में तेज़-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

एडवार्स्ट सेन्टर आफ रायोजेनिक रिसर्च कलकत्ता, यादवगुरु यूनिवर्सिटी, पास्ट बार्क्स नं. 17005
कलकत्ता-700032

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "सर्व" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को मुश्वाब दिया जाता है कि वे अनु-मोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को नीति प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करें।

[संख्या 1654/एफ.सं.भ.नि./आ.क. (छूट)/कल/डब्ल्यू/बी/18/35(1)(ii)/89]
मुकेश कुमार, अपर निदेशक

MINISTRY OF FINANCE

(Department of Revenue)

Office of the Director General of Income Tax (Exemptions)

INCOME TAX

Calcutta, the 2nd September, 1996

S.O. 3306.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income

Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Advanced Centre of Cryogenic Research, Calcutta, Jadavpur University, Post Box, No. 17005, Calcutta-700032.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary Department of Scientific & Industrial Research.

[No. 1654/F. No. DG/IT(E)/Cal/WB-18/35(1)(ii)/89]

MUKESH KUMAR, Addl. Director

कलकत्ता, 2 सितम्बर, 1996

आयकर

का.आ. 3307 सर्वत्रारंगों को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के छहषष (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के मर्दाने अनुमोदित किया गया है:—

- संगठन अनुसंधान कार्यों के लिए अलग लेखा वहिया रखेगा।
- यह श्रान्त वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक राजिय, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रोटोगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 भेजेगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दो गई रिसर्च किए गये संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सैन्टलू नेटुफैक्चरिंग टैक्नोलॉजी इंस्टीट्यूट
(फॉर्मर्स—मैन्डेन नेशनल इंडस्ट्रीज्यूट)
लुम्फुर रोड, बंगलोर-560022

यह अधिकार दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उत्तर्वत्ता भर्त (1) 'संघ' जैसा संर्व के लिए लागू नहीं होगा।

2. संगठन को सुनिश्चित किया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आवकर आयुक्त/प्रायकर निदेशक (छूट) जिनमें व्यवसायितार में संगठन पड़ता है के मध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन को अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1655/एफ स०म०फि०/आ.क. (छूट)/
कल/किंटो. -19/35(1)(ii) 90]

मुकेश कुमार, अपर निदेशक

INCOME TAX

Calcutta, the 2nd September, 1996

S.O. 3307.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Central Manufacturing Technology Institute,
(Formerly—Central Machine Tools Institute),
Tumkur Road, Bangalore 560022.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1655/F. No. DG/IT(E)/Cal/KT-19/35(1)(ii)90]
MUKESH KUMAR, Addl. Director

कलकत्ता, 2 अक्टूबर, 1996

आवकर

का.आ. 3308 सर्वभागीरण को एवं उन्हें मूलता की जाता है कि निम्नलिखित संगठन को, आवकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के दण्ड (ii) के लिए आवकर नियम के नियम 6 के अधीन विहित प्रायिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संर्व के अधीन अनुमोदित किया गया है :—

- संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यां रखेगा।
- वह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वैधिक विकास प्रत्येक विनोद वर्ष के लिए प्रत्येक वर्ष के 31 मई तक संचाल, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोटोटाइपी भवन" न्यू महरौली गोड, नई दिल्ली-110016 को लेजेना, और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आवकर महानिदेशक (छूट), (ख) रचित वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आवकर आयुक्त/प्रायकर महानिदेशक (छूट) जिनके व्यवसायिकार में उक्त संगठन पड़ता है और आवकर अधिनियम, 1961 की धारा 35(1) से दो गई रिसर्च जिया गया संबंधित छूट के धारा में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मुजरात एनर्जी टेक्नोलॉजी एजेंसी,
22 ललोर, सूरज प्लाजा-11,
समरांगुज बड़ौदा-390005

यह अधिकार दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त भर्त (1) 'संघ' जैसा संर्व के लिए लागू नहीं होगा।

2. संगठन का सुझाव दिया जाता है कि वे अनुमोदन को अवधि बढ़ाने के लिए आयकर अधिकृत/आयकर निदेशक (छूट) जिनके धेनाधिकार में संगठन पड़ता है कि माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में लिए आवेदन-पत्र की विभाग को प्रस्तुत करता है।

[संख्या : 1656 (एफ.सं.म.नि./आ.क. (छूट)/कल/जा-48
35(1)(ii)/91]

मुकेश कुमार, अपर निदेशक

INCOME TAX

Calcutta, the 2nd September, 1996

S.O. 3308.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Gujarat Energy Development Agency,
2nd Floor, Suraj Plaza-II, Sayayigunj,
Vadodara-390005.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions). Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1656] F. No. DG[IT(E)]CAL[G-48]35(1)(ii)/91]
MUKESH KUMAR, Addl. Director

कलकत्ता, 2 सितम्बर, 1996

आयकर

का.आ. 3309.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थात" के संबंध के अवोद अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रस्तुत कर्य के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन" न्यू मेहराली रोड, नई विल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सत्रिय, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर अधिकृत/आयकर महानिदेशक (छूट) जिनके लेखाप्रेसर में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आयकर विभाग को भी प्रस्तुत करेगा।

संगठा का नाम

न्यूट्रेन फाउण्डेशन ऑफ इंडिया, सी-13,
क्षूस्ट इंस्ट्रोट्यून एरिया, नई विल्ली-110016

यह अधिकूचना दिनांक 1-4-95 से 31-3-98 तक को अवधि के लिए प्रभावी है।

टिप्पणी 1 : उपर्युक्त शर्त (i) "संब" जैसा संबंध के लिए लागू नहीं दोगा।

टिप्पणी 2 : संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर अधिकृत/आयकर विदेशक (छूट) जिनके लेखाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में लिए आवेदन-पत्र की विभाग को प्रस्तुत करता है।

[सं. 1657 (एफ.सं.म.नि./आ.क. (छूट)/कल/एन.डी. 70,
35(1)(ii)/90]

मुकेश कुमार, अपर निदेशक

New Delhi, the 2nd September, 1996

INCOME TAX

S.O. 3309.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income

Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Nutrition Foundation of India,
C-13, Qutab Institutional Area,
New Delhi, PIN-110016.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1057/F. No. DG/IT/E)/CAL/ND-70/35(1)(ii)/90]
MUKESH KUMAR, Addl. Director

Calcutta, 2 सितम्बर, 1996

आपकर

का.आ. 3310.—पर्याप्ताधारण को एकद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर विषय के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "विश्वविद्यालय" के संबंध के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग विभिन्न रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक संचय, वैज्ञानिक व श्रौद्धोगिक अनुसंधान विभाग, प्रीद्योगिकी भवन" न्यू मैट्रोनी रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिर्देशक

(छूट), (ख) सवित्र, वैज्ञानिक तथा श्रौद्धोगिक अनुसंधान विभाग और (ग) आयकर प्रापुक्त/प्राप्तकर महानिर्देशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यव हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : इंडियन एस्ट्रीट्यूट प्रॉफ साइंसेस, बंगलौर-560012, सांख्य इंस्टीट्यूट पॉस्ट ऑफिस, बंगलौर-560012

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1 : उपर्युक्त गर्त (i) "संघ" जैसा संबंध के लिए लागू नहीं होगा।

टिप्पणी 2 : संगठन को सुझाव दिया जाता है कि वे अनुमोदन को ग्रवधि बढ़ाने के लिए आयकर आपुक्त/आयकर निर्देशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के भाष्यम से आयकर महानिर्देशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-कर की विभाग को प्रस्तुत करना है।

[संख्या : 1658 (एक सं. म.नि./आ.क. (छूट)/कल/के.टी-21/35(1)(ii)/90)]

मुकेश कुमार, अपर निर्देशक

Calcutta, the 2nd September, 1996

INCOME TAX

S.O. 3310.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "University" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Indian Institute of Sciences,
Bangalore-560012, Science Institute Post Office,
Bangalore-560012.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1658/F. No. DG/IT(E)/CAL/MT-21/35(1)(ii)/90]
MUKESH KUMAR, Addl. Director

कलात्मा, 16 सितम्बर, 1996

आयकर

का.आ. 3311—सर्वसाधारण को प्रतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संर्वर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वर्षतीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक औरोगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरौली रुड, नई दिल्ली-110016 को पेंजेगा।
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिर्वेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/प्रायकर महानिर्वेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित हुट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्ट्रल इंडिया स्टीटियूट ऑफ मिडिकल साइंसेस,
88/2, बाजाज नगर, नागपुर-440010

यह अधिगृहना दिनांक 1-4-96 से 31-3-99 तक की अधिधि के लिए, प्रभावी है।

टिप्पणी : 1 उपर्युक्त गांत (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन का सुकाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निर्वेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिर्वेशक (छूट), कलात्मा वा तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1659 (एफ.सं.म.नि./आ.क. (छूट)/कल./एग.-46/35 (1) (ii)]

मुकेश कुमार, अपर निर्देशक

Calcutta, the 10th September, 1996

INCOME TAX

S.O. 3311.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961, under the category “Institution” subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Central India Institute of Medical Sciences 88/2, Bajaj Nagar, Nagpur-440010.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1659/F. No. DG/IT(E)/CAL/M-46/35(1)(ii)]
MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आयकर

का.आ. 3312—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन वर्ती आयकर अधिनियम, 1961 की धारा 35 की उपचारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संबंध के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा ।
- (ii) यह शर्तों वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वैज्ञानिक विवरण प्रत्येक वित्तीय वर्ष के निए प्रत्येक वर्ष के 31 मई तक भरिव, वैज्ञानिक या वैज्ञानिक अनुसंधान विभाग, प्रशिक्षणीक भवन” न्यू प्रैस्टोली रोड, नई दिल्ली-110016 को भेजेगा, परिए
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा नो प्रति (क) आयकर महानियम (खट), (ख) संविष्ट वैज्ञानिक तथा वैज्ञानिक अनुसंधान विभाग और (ग) आयकर आयुक्त आयकर महानियम (छट) जिनके क्षेत्राधिकार में उस संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किंवा गवा मंजिस्त हूँट के बारे में लेखा परीक्षित आय-द्वय दिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

नेशनल फाउण्डेशन ऑफ इंडियन इंजीनियर्स,
11/6 बी., पूसा रोड, नई दिल्ली-110005

यह अधिसूचना दिनांक 1-4-96 से 31-3-99 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (1) “संस्था” जैसा संबंध के लिए नाम नहीं होगा ।

2. संगठन को भूदात्र दिया जाता है कि वे अनुमोदन की शर्ति बदलने के लिए आयकर आयुक्त, आयकर नियमेशक (छट) जिनके क्षेत्राधिकार में संगठन पड़ता है के आध्यात्म आयकर महानियमेशक (छट), कलकत्ता को तीन प्रतियों द्वारा बदलन करें, अनुमोदन की अवधि बदलने के संबंध में लिए आवेदन-पत्र की विभाग को प्रस्तुत करना है ।

संख्या : 1660 (एफ.सं.स.नि./ग्रा.क. (छट)/कल./
एन.डी. 43/35 (1) (ii)]

मुकेश कुमार, अपर नियेशक

Calcutta, the 16th September, 1996

INCOME TAX

S.O. 3312.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technological Bhawan’, New Mehranli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

National Foundation of Indian
Engineers 11/68, Pusa Road,
New Delhi-110005.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes : (1)—Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1660/F. No. DG/IT(E)/CAI/ND-43/35(1)(ii)]

MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आयकर

का.आ. 3313.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित गंगठा को, आयकर अधिनियम, 1961 की धारा 35 की उपचारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संबंध के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा ।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक

सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग,
प्रौद्योगिकी भवन" न्यू महरोली रोड, नई दिल्ली-110016
की भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति

(क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर, जिनके महानिदेशक (छूट) क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया कार्य संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेंगा।

संगठन का नाम

नेशनल इंस्टीट्यूट ऑफ डिजाइन, पल्ली,
आहमदाबाद-380007.

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की प्रवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि व अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गये आवेदन-पत्र की प्रतियां सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[स. 1661 एफ.सं.म.नि./प्रा.क. (छूट)]
कल/जी.-23/35 (1)(ii)]

मुकेश कुमार, अपर निवेशक

INCOME TAX

Calcutta, the 2nd September, 1996

S.O. 3313.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961, under the category "Institution" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;

(iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Design,
Paldi, Ahmedabad-380007.

This Notification is effective for the period from 1-4-96 to 31-3-99.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1661/F. No. DG/IT(E)/CAL/G-23]35(1)(ii)]
MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आयकर

का.शा. 3314.—सर्वसाधारण को एकदला सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विद्युत प्राधिकारी द्वारा निम्नलिखित शर्तें पर "संस्थान" के संवर्ग अनुमोदित किया गया है:—

- संगठन अनुसंधान कार्यों के लिए अवगत लेखा विद्युत रखेगा।
- यह अपने वैज्ञानिक अनुसंधान-संबंधी कार्यों का एक आयिक विवरण प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन" न्यू महरोली रोड, नई दिल्ली-110016 की भेजेगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा परीक्षित वार्षिक लेखा को प्रति (क) आयकर महानिदेशक (छूट) ('ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट), जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब जो कि प्रस्तुत करेगा।

संगठन का नाम

निर्मला निकेतन इन्स्टीट्यूट,
38, न्यू बैंगला लाईंस, बांग्ला-400020.

यह अधिसूचना दिनांक 17-5-96 से 31-3-98 तक की
प्रवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) 'संघ' जैसा मंवर्ग के लिए
लागू नहीं होगा।

2. संगठन को मुख्य दिया जाता है कि वे अनुमोदन
की प्रवधि बढ़ाने के लिए आयकर अधिकृत/आयकर
महानिदेशक (छूट) जिनके धोत्राधिकार में
संगठन पड़ता है के माध्यम से आयकर
महानिदेशक (छूट), कलकत्ता को तीन
प्रतियोगी में आमोदन करें, अनुमोदन की प्रवधि
बढ़ाने के संबंध में किए गए अवेदन-पत्र की प्रतियोगी
सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग वां
प्रस्तुत करता है।

[संख्या : 1662/एफ.सं.म.नि./आ.क. (छूट)
कल/एम.-189/35 (1)(ii)]

मुकेश कुमार, अपर निदेशक,

Calcutta, the 16th September, 1996

INCOME TAX

S.O. 3314.—It is hereby notified for general information
that the organisation mentioned below has been approved
by the Prescribed Authority under Rule 6 of the Income
Tax Rules, for the purposes of clause (iii) of sub-section
(1) of Section 35 of the Income Tax Act, 1961 under the
category "Institute" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhavan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax/ Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Nirmala Niketan Institute,
38, New Marine Lines,
Bombay-400020.

This Notification is effective for the period from 17-5-96
to 31-3-98.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta, or to the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for

extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1662/ए. No. DG II(E)-CAL/M-189/35(1)(ii)]
MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आयकर

का.आ. 3315.—सर्वमाधार की एप्लिकेशन संगठन को, आयकर अधिनियम, 1961 को धारा 35 की उपधारा (1) के द्वारा (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित जरूरी पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अनग नेत्रा विहित ग्रन्थया।
- (ii) वह अर्थन वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वैज्ञानिक विद्यर्थी प्रत्येक वित्तीय वर्ष के लिए प्रत्यक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू महरोली शूट, नई डिगो-110016 को भेजेगा, और
- (iii) वह प्रत्येक वर्ष के 31 अक्टूबर तक नेत्रा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक नथ औद्योगिक अनुसंधान विभाग, और (ग) आयकर अधिकृत/आयकर महानिदेशक (छूट) जिनके धोत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया कार्य संबंधित शूट के वारे में लेखा-परीक्षित आयकर विधाव को भी प्रस्तुत करेगा।

संगठन का नाम

सिद्धमाल रिमर्च फाउण्डेशन सिद्धमाल विलेज,
40, गली राजा केदार नाथ,
चावडी बांग्रा, दिल्ली-110006.

यह अधिसूचना दिनांक 1-1-96 से 31-3-97 तक की
प्रवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) 'संघ' जैसा मंवर्ग के
लिए अनग मही होगा।

2. संगठन को मुख्य दिया जाता है कि वे अनुमोदन
की प्रवधि बढ़ाने के लिए आयकर अधिकृत/
आयकर निदेशक (छूट) जिनके धोत्राधिकार

में रांगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन को अवधि बढ़ाने के संबंध में किए गये आवेदन पत्र की विभाग को प्रस्तुत करना है।

[संख्या: 1663 (एफ.स.म.नि./आ.क. (छूट)/कल/एन.डी.-7/35 (i)(ii)]

मुकेश कुमार, अपर्स निदेशक

Calcutta, the 16th September, 1996

INCOME TAX

S.O. 3315.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-1100, for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax/ Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961;

NAME OF THE ORGANISATION

Siddho Mal Research Foundation, Siddhomal Building, 40, Gali Raja Kedar Nath, Chawri Bazar, Delhi-110006.

This Notification is effective for the period from 1-4-96 to 31-3-97.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1663/E. No. DG/IT(E)/CAL/ND-7/35(1)(ii)]

MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आयकर

का.आ. 3316.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधि-

नियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (II) के लिए आयकर विभाग के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संबंध के अधीन अनुमोदित किया गया है:—

(I) संगठन अनुसंधान कार्यों के लिए अनुशंसा लेखा बहिर्यां रखेगा।

(II) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वैज्ञानिक विषय वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहराली रोड, नई विस्ली-110016 को भेजेगा, आर.

(III) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षीत वैज्ञानिक लेखों की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग अधीन, (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और (द) आयकर अधिकारी 1961 की धारा 35(1) में दी गई विवरण किया गया संबंधित छूट के बारे में लेखा-परीक्षीत आयन्धीय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्ट्रल फोर एंबेलपमेण्ट आरैफ इम्प्रिंट्स एक्स्प्रेस ऑफ़ चिक्काजली स्टूडियो कॉम्प्लेक्स, धिवालुम, त्रिवेन्द्रम-695027.

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1: उपर्युक्त शर्त (1) "संघ" जैसा संबंध के लिए लगानीहीं होगा।

टिप्पणी 2: संगठन को सुकाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निर्देशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन को अवधि बढ़ाने के संबंध में लिए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या 1664 (एफ.स.म.नि./आ.क. (छूट)/कल/क. -10/35 (1)(ii)], मुकेश कुमार, अपर्स निदेशक

Calcutta, the 16th September, 1996

INCOME TAX

S.O. 3316.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institute" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110015 for every financial year by 31st May of each year;

(iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax / Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Development of Imaging Technology,
Chitrangali Studio Complex, Thiruvallor,
Trivandrum-695021.

This Notification is effective for the period from 1-4-95 to 31-3-98.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income-tax / Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1664/F. No. DG/IT(E)/Cal/K-10]35(1)(ii)]

MUKESH KUMAR, Addl. Director

कलकत्ता, 16 सितम्बर, 1996

आवकार

का.आ. 3317.—सर्वेसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (II) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित गार्ड पर "गंद्यात" के संबंध के अधीन अनुमोदित किया जाता है:—

(I) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यां रखेगा।

(II) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक विचारी वर्ष के लिए प्रत्येक वर्ष के 31 मई तक मन्त्रिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू भैरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(III) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षीत वार्षिक लेखा की प्रति (क) आयकर महानिवेश (छट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिवेश

(छट) जिनके लेखाविभाग में उक्त संगठा पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई स्थिर किया गया संवैधित लूट के बारे में लेखा-परीक्षा आय-वाय दिसेव की भी प्रस्तुत करेगा।

संगठन का नाम:

मेटर पोर डेवलपमेंट आर्क इमेजिंग टेक्नोलॉजी,
चित्रांगली मूँडोंका कॉम्प्लेक्स विलानूव,
विवेद्रम-695021.

यह अधिकार दिनों 1-4-92 न 31-3-95 तक की अवधि के लिए समाप्त है।

टिप्पणी 1: उपर्युक्त गर्ड (1) "संगठा" अंग गंग्री के लिए लागू नहीं होगा।

टिप्पणी 2: संगठा को मुक्ताव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिवेश (छट) जिनके लेखाविभाग में संगठन पड़ता है के माध्यम से आयकर महानिवेश (छट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1665 (एफ.सं.म.नि./प्रा.क. (छट)/कल./कि.-10/35 (1)(ii)]

मुकेश कुमार, अपर निवेशक

Calcutta, the 16th September, 1996

INCOME TAX

S.O. 3317.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110015 for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax / Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Development of Imaging Technology,
Chitrangali Studio Complex, Thiruvallor
Trivandrum-695021.

This Notification is effective for the period from 1-4-92 to 31-3-95.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/ Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1665/E. No. DG IT(E) CAI/K-10/35(1)(ii)]
MUKESH KUMAR, Addl. Director

कलकत्ता, 26 सितम्बर, 1996

प्रायकर

का.आ. 3318.— सर्वसाधारण को एतद्वारा मूल्यित किया जाता है कि निम्नलिखित संगठन की, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर नियम के नियम 6 के अधीन विश्वित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संबंध के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा । ।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रीद्योगिकी भवन, न्यू मेहरौली रोड, नई दिल्ली 110016 को भेजेगा।

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परोक्षित वार्षिक लेखा की प्रति (क) आयकर महानिर्देशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिर्देशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

यूनाईटेड आर्क प्रेसराइलब्स इंस्टीट्यूटफॉर दी एडवास्ड स्टडीज ऑफ इंडिया, 1-31, केरेंडल बलानी ईस्ट, नई दिल्ली-110065.

यह अधिसूचना विसंक्त 1-4-96 से 31-3-98 तक की अवधि के लिए प्रभावी है ।

टिप्पणी: 1. उत्तर्युक्त शर्त (1) "संघ" जैसा संबंध के लिए लागू नहीं होगा ।

2. संगठन को नुस्खा दिया जाता है कि वे अनुसारीन की व्यावधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिर्देशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिर्देशक (छूट), कलकत्ता वो नीति प्रतियों से आवेदन करें, अनुमोदित की आधिकारी बढ़ाने के संबंध में किए आवेदन-पत्र का विवरण को प्रस्तुत करना है ।

[गंभीर 1666 (एक.सं.म.न./आ.क. एन. ई. 130/35(1)(ii)], (छूट)/कल/ मुकेश कुमार, प्रपर निर्देशक

Calcutta, the 26th September, 1996

INCOME TAX

S.O. 3318.— It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institute" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhavan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax/ Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

University of Pennsylvania Institute for the Advanced Study of India, 1-31, Friends Colony East, New Delhi-110065.

This Notification is effective for the period from 1-4-96 to 31-3-98.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/ Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1666/E. No. DG/IT(E) CAI/ND-130/35(1)(iii)]
MUKESH KUMAR, Addl. Director

कलकत्ता, 27 सितम्बर, 1996

प्रायकर

का.आ. 3319.— सर्वसाधारण को एतद्वारा मूल्यित किया जाता है कि निम्नलिखित संगठन की, आयकर अधिनियम

नियम, 1961 की धारा 35 की उपधारा (1) के अनुसार (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संबंध के अधीन अनुमोदि किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अवग लेखा विहित रखेगा ।
- (ii) यह आपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व शोधांगिक अनुसंधान विभाग, शोधांगिकी भवन" न्य महरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा शोधांगिक अनुसंधान विभाग, और (ग) आयकर आयकर आयकर महानिर्देशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई विधि किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिस्त्र को भी प्रस्तुत करेगा ।

संगठन का नाम

स्पासटीक्स सोसाइटी आफ कर्टिक,
31, 5वां आस औफ 5वीं मेन, इंदिरानगर
1ना स्ट्रेज, बंगलोर-560038.

यह अधिसूचना विनांक 3-6-96 से 31-3-98 तक की अवधि के लिए प्रभावी है ।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संबंध के के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयकर/आयकर निर्देशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिर्देशक (छूट), कलकत्ता को तीन प्रतिशों में आवेदन करे, अनुमोदन को अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करता है ।

[संख्या 1667 (एफ.स.म.नि./ग्रा.क. (छूट)/कल/के.टी.-52/35 (i)(ii)]

मुकेश कुमार, अपर निशेशक

Calcutta, the 27th September, 1996

INCOME TAX

S.O. 3319.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section

(1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, 'Techno-Bhavan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ;
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Spastics Society of Karnataka,
31, 5th Cross, Off 5th Main, Indiranagar,
1st Stage, Bangalore-560026.

This Notification is effective for the period from 3-6-96 to 31-3-98.

Notes.—(1) Condition (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income Tax (Exemptions), Calcutta or to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1667/E. No. DG IT(E) CAL/KT-52/35(1)(ii)]

MUKESH KUMAR, Addl. Director

(आधिकारीक कार्य विभाग)

बीमा प्रभाग

नई दिल्ली, 19 सितम्बर, 1996

का.आ. 3320 भारतीय जीवन बीमा निगम अधिनियम, (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार श्री के.सी. मित्तल, अध्यक्ष, भारतीय साधारण बीमा निगम को 31-5-1998 तक अर्थात् उनकी सेवा-निवृत्ति की तारीख तक अथवा अगला अद्यता होने तक, जो भी पहले हो, भारतीय जीवन बीमा निगम के पदन सदस्य के स्थान में नियुक्त करता है ।

[एफ.स. 11(3)/96-बीमा 5]

दी.सी. श्रीवास्तव, निदेशक

(Department of Economic Affairs)
(Insurance Division)

New Delhi, the 19th September, 1996

S.O. 3320.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation of India Act, 1956 (31 of 1956), the Cent-

ral Government appoints Shri K. C. Mittal, Chairman, General Insurance Corporation of India as Member of Life Insurance Corporation of India in his ex-officio capacity upto 31-5-1998, i.e. the date of his superannuation, or until further orders, whichever is earlier.

[F. No. 14(3)/96-Ins. V]
D. C. SRIVASTAVA, Director

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय : मदुरै-2

सं. : 2/96-सीमा शुल्क (एन.टी.)

मदुरै, 23 अक्टूबर, 1996

सो. 3221.—सीमा शुल्क अधिनियम, 1962, धारा 9 द्वारा कि भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी.) विमांक 1/7/94 के साथ पठित, द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए मैं, एनदडारा तमिल नाडू राज्य, के मदुरै जिला, वाडिपट्टी तालुक के कुलशेखरम कोटे गांव की सीमा शुल्क अधिनियम 1962 (1962 का 52) के अधीन शत प्रतिशत नियन्त्रितमुख्य उपक्रम स्थापित कराने हेतु भांडामार घोषित करता हूँ।

[फाइल सं. म. IV/16/254/96-टी-1]

टी.आर. राधाकृष्णन, आयुक्त

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE

No. 2/96-CUSTOMS(NT)

Madurai, the 23rd October, 1996

S.O. 3321.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94-Customs (NT) dated 1-7-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare Kulasekaran Kottai Village, Vadipatti Taluk, Madurai District in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100 per cent Export Oriented undertaking.

[File C. No. IV/16/254/96-T.1]
T. R. RADHAKRISHNAN, Commissioner

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 15 नवम्बर, 1996

का.आ. 3322.—आयकर अधिनियम, 1961 की धारा 36 की उपधारा 3(i) के खण्ड (i, iii) द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए केन्द्रीय सरकार एनदडारा नैसर्गिक फाउनेशन होम्स लिमिटेड, शास्ती कुटीर, संख्या 32, II तला, रोड कोर्ट रोड, बंगलोर-560001 को करनिधरण वर्ष

1997-1998, 1998-99 और 1999-2000 के लिए उक्त खण्ड के प्रयोजनार्थ एक कंपनी के रूप में अनुमोदित करती है।

यह अनुमोदन निम्नलिखित शर्तों पर किया जाता है।

- (i) कटौती के ब्रह्म आवास के लिए, लम्बी अवधि हेतु वित्त प्रदान करने वाले कागोबार से प्राप्त आय के संबंध में उपलब्ध होगी।
- (ii) कटौती की छूट हेतु धारा 36(i) (viii) की सभी शर्तों को पूरा किया गया हो।
- (iii) किसी भी समय नियोजित पूँजी का 25% से अधिक हित्सा प्रथम कार्यकलापों में प्रयुक्त न किया गया हो।

[अधिकारी सं. 10223/फा. सं. 204/29/96-आयकर नि.-II]
मालती आर. श्रीधरन, अवर सचिव
(आयकर नि.-II)

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 15th November, 1996

S.O. 3322.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income Tax Act, 1961, the Central Government hereby approves M/s. Can Finance Homes Ltd. Shanti Kutir, No. 32, II Floor, Race Course Road, Bangalore-560 001, as a company for the purpose of said clause for assessment years 1997-98, 1998-99, and 1999-2000.

The approval is subject to the following conditions:

- (i) The deduction would be available only in relation to the income from the business of providing long term finances for housing.
- (ii) All the conditions of Section 36(i)(viii) allowance of deductions are fulfilled.
- (iii) Not more than 25 per cent of the capital employed is utilised towards other activities at any point of time.

[Notification No. 10223/F. No. 204/29/96-ITA.II]
MALATHI R. SRIDHARAN, Under Secy.
I. T.-II Section)

नई दिल्ली, 22 नवम्बर, 1996

का.आ. 3323.—आयकर अधिनियम, 1961 की धारा 119 की उपधारा (2) के खण्ड (क) द्वारा प्रदत्त अक्षियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एनदडारा नियन्त्रित करनिधारियों की श्रेणियों, जिनके कागोबार का मूल्य स्थल आन्ध्र प्रदेश राज्य के पूर्वी गोदावरी, पश्चिमी

गोदावरी, प्रकाशम, और मैल्लोर राज्यव जिलों में स्थित है, के संबंध में धारा 139 की अधिनियम (1) के स्पष्टीकरण-1 के प्रयोजन के लिए कर निर्धारण वर्ष 1996-97 के नियम दिवं तारीख 31 दिसम्बर, 1996 विनिविष्ट करता है।

कर-निर्धारितियों की श्रेणियां

- (i) आयकर अधिनियम, 1961 की धारा 139 की उपधारा (1) के स्पष्टीकरण-1 के खंड (क) में यथा-परिभाषित सभी मामले।
- (ii) आयकर अधिनियम, 1961 की धारा 139 की उपधारा (1) के स्पष्टीकरण-1 के खंड (ख) के उपबंध (i) में यथा-परिभाषित ऐसे सभी मामले जिनके संबंध में दिनांक 29-10-1996 की अधिसूचना सं. 10218 के तहत देश तारीख दिनांक 30 नवम्बर, 1996 तक पहुँचे बढ़ाई गई थी।
- (iii) आयकर अधिनियम, 1961 की धारा 40 के खंड (ख) के स्पष्टीकरण-4 में यथा परिभाषित कार्यों में सक्रिय भागीदार, जिन्हें आयकर अधिनियम, 1961 की धारा 44-क ख के उपबंधों के अनुसार कर-निर्धारण वर्ष 1996-97 में संगत मार्च, 1996 के 31वें दिन को समाप्त हुए पूर्ववर्ती वर्ष के बारे में अपने खातों की लेखा परीक्षा करानी अपेक्षित है और जिनके मामले में दिनांक 8 अगस्त, 1996 की अधिसूचना सं. 10173 (फारम सं. 220/2/96-आयकर निर्धारण-2) के तहत पहुँचे समय बढ़ाने की मंजूरी दिनांक 31 अक्टूबर, 1996 तक और बाद में दिनांक 29-10-96 की अधिसूचना सं. 10218 के तहत समय बढ़ाने की अनुमति 30 नवम्बर, 1996 तक दी गई थी।

2. केन्द्रीय प्रन्यक्ष कर बोर्ड द्वारा आगे यह अधिसूचित किया जाता है कि उपर्युक्त (i), (ii) और (iii) में उल्लिखित कर-निर्धारितियों की श्रेणियों के संबंध में आयकर अधिनियम की धारा- 44-क ख के अन्तर्गत स्पष्टीकरण के खंड (ii) में उल्लिखित "विनिविष्ट तारीख" कर-निर्धारण वर्ष 1996-97 के संबंध में दिनांक 31 दिसम्बर, 1996 तक बढ़ाई गई मानी जाएगी।

[अधिसूचना सं. 10232 (फारम सं. 220/6/96-आयकर नि. 2)]

मालथी आर, श्रीधरन, अवृ. मचिन

New Delhi, the 22nd November, 1996

S.O. 3323.—In exercise of the powers conferred under clause (a) of sub-section (2) of Section 119 of the Income-tax Act, 1961, the Central Board of Direct Taxes hereby specifies the due date for the purpose of Explanation 1 under

sub-section (1) of Section 139 as 31st December, 1996, in respect of the following classes of assessee whose principal place of business is situated in the revenue districts of East Godavari, West Godavari, Prakasam, and Mellore of the State of Andhra Pradesh for assessment year 1996-97.

CLASSES OF ASSEESSES:

- (i) All cases as defined in clause (a) of Explanation 1 to sub-section (1) of Section 139 of Income-tax Act, 1961.
- (ii) All cases as defined in sub-clause (i) of clause (b) of Explanation 1 to sub-section (1) of Section 139 of the Income-tax Act, 1961, in whose case the due date was earlier extended to 30th November, 1996 vide Notification No. 10218 dated 29th October, 1996.
- (iii) The working partners as defined in Explanation 4 to clause (b) of Section 40 of the Income-tax Act, 1961, in firms which are required to get their accounts audited in respect of previous year ended 31st day of March, 1996 relevant to the assessment year 1996-97 in accordance with the provisions of section 44AB of the Income-tax Act, 1961, and in whose case extension was earlier granted upto 31st October, 1996, vide Notification No. 10173 dated 8th August, 1996 (F. No. 220/2/96-ITA.II) and later upto 30th November, 1996 vide Notification No. 10218 dated 29th October, 1996.

2. The Central Board of Direct Taxes further notifies that the "Specified date" mentioned in clause (ii) of the Explanation under Section 44AB of the Income-tax Act in respect of the classes of assessee referred in (i), (ii) and (iii) above, shall stand extended to 31st day of December, 1996 in relation to Assessment Year 1996-97.

[Notification No. 10232/F. No. 220/6/96-ITA.II]
MALATHI R. SRIDHARAN, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

सं. : 5/96-97

कलकत्ता, 11 अक्टूबर, 1996

का.प्रा. 3324.—आदेश संख्या 6/94-95 दिनांक 27-9-94, आदेश संख्या 2/95-96 दिनांक 19-5-95 में आंशिक संशोधन करते हुए और बोर्ड के अधिसूचना संख्या एस.ओ. 769 (ई) दिनांक 12-8-87 में सम्मिलित आयकर नियम, 1962 के नियम 144ए और अनुबोध संख्या 1856 दिनांक 14-9-1990 के अनुसार में, मुख्य आयकर आयुक्त कलकत्ता आयकर अधिनियम, 1961 की धारा 203 ए के अन्तर्गत कर कटौती लेखा संख्या वितरण करने का कार्यतया कलकत्ता, 24 परसना (उत्तर एवं दक्षिण) हावड़ा स्थित एवं आयकर आयुक्त (के) कलकत्ता, के अन्तर्गत सभी आयकर विभेद रेंज/सर्कल/बाई के क्षेत्राधिकार के अधीन लोत पर कटौती कर देने वाले निर्धारिती के लिए धारा 27288 के अधीन की गयी कार्यवाही समेत उपर्युक्त उद्देश्य से सभी परिणामिक कार्रवाई करने का कार्य सहा. आयकर आयुक्त, सकून 21(1) के स्थान पर सहा.का.आ. 21(3) को सौंपता हूँ।

दिनांक 01-11-1996 से आदेश प्रभावी होगा।

[म. स.पा./मु.यो./510/96-97]
के.पी. सिंह, मुख्य आयकर आय

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME TAX

1

2

3

No. 5/96-97

Calcutta, the 11th October, 1996

S.O. 3324.—In partial modification of Order No. 6/94-95 dated 27-9-1994, Order No. 2/95-96 dated 19-5-1995 and in pursuance of Board's Notification No. S.O. 769(E) dated 12-8-1987 incorporating Rule 114A of the Income-tax Rule, 1962 and Instruction No. 1856 dated 14-9-1990, I, the Chief Commissioner of Income-tax, Calcutta, assign to the A.C.I.T., Circle-21(3), Calcutta, in place of A.C.I.T., Circle-21(1), Calcutta, the function of allotment of Tax Deduction Account Numbers under Section 203A of the Income-tax Act, 1961 and all consequential actions for the said purpose, including action u/s. 272BB to the assessees, who for the purpose of TDS, fall within the jurisdiction of all Income-tax Special Ranges/Circles/Wards situated at Calcutta, 24 Parganas (North and South), Howrah including those under CSIT (Central), Calcutta.

The Order will take effect from 01-11-1996.

[No. AC/HQ/Planning/510/96-97/6126]

K. P. SINGH, Chief Commissioner of Income-tax

गं-०-१/९६-९७

कलकत्ता 10 अक्टूबर, 1996

का.आ. 3325 :—आयकर अधिनियम, 1961 की धारा 120 के अन्तर्गत प्रदत्त सभी अधिकारों एवं इस संबंध में मुक्त सक्षम बनाने वाले सभी अन्य अधिकारों का प्रयोग करते हुए एवं दिनांक 1 मई, 1989 की अधिसूचना सं. 3/89-90, दिनांक 23 मई, 1991 की अधिसूचना सं. 3/91-92 एवं दिनांक 14 फरवरी की अधिसूचना सं. 7/95-96, 1996 में आंशिक आशोधन करते हुए मैं, मुख्य आयकर आयुक्त, कलकत्ता, ने आ०आ०प०ब०-७, कलकत्ता, प्रभार के अन्दर दिनांक 01-11-1996 से प्रभावी भीत्र दी गई जनमूक्ती के अनुसार उ०आ०आ०, रेज-21, कलकत्ता के अधीन स०आ०था० (टी०डी०एस०) एवं आ०आ० (टी०डी०एस०) को क्षेत्राधिकार सौंपा।

अनुसूची

क्रमं	संकेत/वार्ड	क्षेत्राधिकार
1	2	3
1.	स०आ०आ० (टी०डी०एस०) संकेत-21(1), कलकत्ता	पश्चिम बंगाल प्रभार के बाहर निर्धारित किये गये या निर्धारित किये जाने वाले समस्त सार्वजनिक सेक्टर एवं हवाई यात्रियों के मामले, वैक, विदेशी वैकों, निजी वैकों, निजी कोषों द्वारा रथायित वैकों जिनको मू०आ०आ० या स०आ०आ० (टी०डी०एस०)

संकेत-21(3), कलकत्ता द्वारा देने आवंटित किया गया है या किया जा सकता है, के संबंध में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय 17 वी, अध्याय 17 वी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चुक समझी जानी है एवं ऐसे सभी व्यक्तियों के संबंध में जो आ०आ०, विशेष-२१, कलकत्ता, उ०आ०आ० विशेष-२०, कलकत्ता, उ०आ०आ० विशेष-२३, कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय-१७ वी, अध्याय-१७ वी, एवं अध्याय 21 में दी गई धाराओं से संबंधित सभी मामले जिनमें उक्त अधिनियम की धारा 201 के तहत निर्धारितियों की चुक समझी जाती है।

- स०आ०आ०, संकेत-21(2), कलकत्ता
ऐसे सभी व्यक्तियों जो उ०आ०आ०, विशेष-१, कलकत्ता, उ०आ०आ०, विशेष-२, बत्तकत्ता उ०आ०आ०आ०, विशेष-३, कलकत्ता, उ०आ०आ०आ० विशेष-४, कलकत्ता, उ०आ०आ०आ० विशेष-५, कलकत्ता, उ०आ०आ०आ० विशेष-००-६, कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय-१७ वी, अध्याय-१७ वी, एवं अध्याय 21 में दी गई धाराओं से संबंधित सभी मामले जिनमें उक्त अधिनियम की धारा 201 के तहत निर्धारितियों की चुक समझी जाती है।
- स०आ०आ०, संकेत-21(3), कलकत्ता
ऐसे सभी व्यक्तियों जो उ०आ०आ०, विशेष-००-१०, कलकत्ता, उ०आ०आ०विशेष-००-१२, कलकत्ता उ०आ०आ०आ० विशेष-००-१३, उ०आ०आ०आ०विशेष-००-१४, कलकत्ता उ०आ०आ०, विशेष-००-१५ कलकत्ता एवं उ०आ०आ०आ०विशेष-००-२०, कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय

1 2

3

1 2

3

17 बी, 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित सभी मामले जिनमें निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

4. आ०अधि०(टी डी एस) वार्ड-21 ऐसे सभी निर्धारितियों जो आ०आ०, प०ब०-1, कलकत्ता (उ०आ० आ०आ० विशेष-1, कलकत्ता, उ०आ०, विशेष-21, कलकत्ता एवं उ०आ०आ० विशेष-22, कलकत्ता के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय) एवं आ०आ०, प०ब०-7, कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम, 1961 की धारा 195 के सिवाय अध्याय 17 बी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

5. आ०अधि०(टी डी एस) वार्ड-21 (2), कलकत्ता ऐसे सभी निर्धारितियों जो आ०आ० प०ब०-2, कलकत्ता (उ०आ० आ० विशेष-2, कलकत्ता, उ०आ० आ०, विशेष-10-10, कलकत्ता, उ०आ० आ०, विशेष-10-21 कलकत्ता, के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय) एवं आ०आ० प०ब०-8, कलकत्ता (उ०आ०आ०, रेज जलपाईगुड़ी के क्षेत्राधिकार में आने वाले ऐसे सभी मामलों एवं अंदमान एवं निकोबार हीप समूह के आयकर कार्यालयों के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय) के क्षेत्राधिकार में हैं या आ सकते हैं के संबंध में आयकर अधिनियम, 1961 की धारा 195 के सिवाय अध्याय 17 बी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

6. आ०अधि०(टी डी एस) वार्ड-21 (3), कलकत्ता ऐसे सभी निर्धारितियों जो आ०आ० प०ब०-3, कलकत्ता (उ०आ० आ० विशेष-3, कलकत्ता, उ०आ०आ० विशेष-13 कलकत्ता, उ०आ०आ० विशेष-16, कलकत्ता एवं उ०आ०आ० विशेष-23, कलकत्ता के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय एवं आ.आ.प.ब. 9, कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं के संबंध में आयकर अधिनियम), 1961 की धारा 195 के सिवाय अध्याय 17 बी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

7. आ०अधि०(टी डी एस) वार्ड-21 (4), कलकत्ता ऐसे सभी निर्धारितियों जो आ०आ० प०ब०-4, कलकत्ता (उ०आ० आ०, विशेष-4, कलकत्ता उ०आ०आ०.विशेष.रेज-14 कलकत्ता उ०आ०आ०.विशेष.रेज-15, कलकत्ता एवं उ०आ०आ०, विशेष-ज-17, कलकत्ता के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय) एवं आ०आ०प०ब०-6, कलकत्ता (उ०आ०आ० विशेष-ज-6, कलकत्ता के क्षेत्राधिकार में आने वाले निर्धारितियों के अलावा) के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम, 1961 के सिवाय अध्याय 17 बी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।

1	2	3	1	2	3
8. आ०अधि०(टीडी एस) बांड-21 (5), कलकत्ता	ऐसे सभी निर्धारितियों जो आ०आ० प०बं०-5, कलकत्ता (उ०आ०आ० विशेष०रेज-5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी निर्धारितियों के सिवाय) एवं आ०नि० (छूट) कलकत्ता के क्षेत्राधिकार में हैं या आ सकते हैं के संबंध में आयकर अधिनियम, 1961 के 195 के सिवाय अध्याय 17 वी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनके संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।	आसनसोल के क्षेत्राधिकार में हैं, के सिवाय) एवं सभी व्यक्तियों जिनकी आय ऐसे मामलों के सिवाय जिनकी आ०नि० (छूट) कलकत्ता प्रभार एवं कलकत्ता, हावड़ा, 24 परगना (उत्तर) 24 परगना (वक्षिण) के अन्दर केन्द्रीय सरकार के आ०स०आ० द्वारा निर्धारित किया गया है है या किया जा सकता है, आयकर अधिनियम, 1961, की धारा 10 के तहत छूट प्राप्त है, के क्षेत्राधिकार में है या आ सकते हैं के संबंध में में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय 17 वी, अध्याय 17 डी एवं अध्याय 21 दी में गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।			
9. आ०अधि०(टीडी एस) बांड-21 (6), कलकत्ता	पश्चिम बंगाल प्रभार के बाहर निर्धारित किये गये या निर्धारित किये जाने वाले सार्वजनिक सेक्टर, हावड़ा कर्म्पा नयों, बैंकों, विदेशी बैंकों निजी बैंकों, निजी कोर्पोरेशनों द्वारा स्थापित बैंकों जिनको मु०आ०आ० या स०आ०आ० (टीडीएस) सक्रिय 21(3) कलकत्ता द्वारा ईन आवंटित किया गया है या किया जा सकता है, के संबंधित मामलों को छोड़कर अन्य समस्त निर्धारितियों के संबंध में आयकर अधिनियम, 1961 के धारा 195 के सिवाय अध्याय 17 वी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।	11. आ०अधि०(टीडी एस) बांड-21 (8), कलकत्ता	ऐसे सभी निर्धारितियों जो आ०आ० प०बं०-10, कलकत्ता (आयकर कार्यालयों मुश्खियावाद एवं नदिया के क्षेत्राधिकार में आने वाले निर्धारितियों के सिवाय) एवं कलकत्ता, हावड़ा, 24 परगना (उत्तर) एवं 24 परगना (वक्षिण) के अन्दर पश्चिम बंगाल व सरकार के आ०स०आ० के क्षेत्राधिकार में हैं या आ सकते हैं, के संबंध में आयकर अधिनियम- 1961 के अध्याय 17 वी, अध्याय 17 डी एवं अध्याय 21 में दी गई सभी धाराओं से संबंधित ऐसे सभी मामले जिनमें आयकर के संबंध में निर्धारितियों की उक्त अधिनियम की धारा 201 के तहत चूक समझी जाती है।		
10. आ०अधि०(टीडी एस) बांड-21 (7), कलकत्ता	ऐसे सभी व्यक्तियों जो आ०आ० प०बं०-11, कलकत्ता (उ०आ०आ० विशेष०रेज-20, कलकत्ता एवं आयकर कार्यालयों हुगली, मिथनापुर, हस्तिया, एवं सभी निर्धारिती जो उ०आ०आ०, रेज-	[सं स०आ०/मुख्य/योजना/345/96-97] के०पी० सिंह, मुख्य आयकर आयुक्त			

Calcutta, the 11th October, 1996.

1 2 3

No. 4/96—97.

S.O. 3325 :—In exercise of all the powers u/s. 120 of the Income-tax Act, 1961, and all other powers enabling me in this behalf and in partial modification of Notification No. 3/8-90 dated the 1st May, 1989, Notification No. 3/91-92 dated the 23rd May, 1991 and Notification No. 7/95-96 dated the 14th February, 1996, I, the Chief Commissioner of Income tax, Calcutta, assigned jurisdiction to ACOIT (TDS) and ITOs (TDS) in DCIT, Range-21, Calcutta, within the charge of CIT, WB-VII, Calcutta with effect from as per schedule given below :—

SCHEDULE

Sl. No.	Circle/Ward	Jurisdiction
1	2	3
1.	ACIT (TDS) Circle 21 (1), Calcutta.	All matters relating to all Sections contained in chapter XVIIB except 195, Chapter XVIID and Chapter XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act in respect of all public sector and Airlines cases, Bank, Foreign banks, Private banks, and banks established by Mutual Funds which are assessed or assessable outside the Charge of West Bengal, but have been or may be allotted TAN by the office of the C.C.I.T. or A.C.I.T. (TDS), Circle-21 (3), Calcutta and also in respect of persons who are or would come under the jurisdiction of D.C.I.T., Spl. Range-16, Calcutta, D.C.I.T., Spl. Range-17, Calcutta, D.C.I.T., Spl. Range-21, Calcutta, D.C.I.T., Spl. Range-22, Calcutta and D.C.I.T., Spl. Range-23, Calcutta.
2.	A.C.I.T., Circle-21(2), Calcutta.	All matters relating to all sections contained in Chapter XVIIB except Section 195 Chapter XVIID and Chapter XXI of the Income-tax Act, 1961 for assessees deemed to be in default in respect of tax u/s. 201 of the said Act in respect of all persons who are or would come within the jurisdiction of D.C.I.T., Spl. Range-1, Calcutta, D.C.I.T., Spl. Range-2, Calcutta, D.C.I.T., Spl. Range-3, Calcutta, D.C.I.T.,

3. A.C.I.T.. Circle-21 (3). Calcutta.	All matters relating to all sections contained in Chapter XVIIB Except Section 195, Chapter XVIID and Chapter XXI of the Income-tax Act, 1961 for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all persons who are or would come within the jurisdiction of D.C.I.T., Spl. Range-10, Calcutta, D.C.I.T., Spl. Range-11, Calcutta, D.C.I.T., Spl. Range-12, Calcutta, D.C.I.T., Spl. Range-13, D.C.I.I., Spl. Range-14, Calcutta, D.C.I.T., Spl. Range-15, Calcutta, and D.C.I.T., Spl. Range-20, Calcutta.
4. I.T.O. (TDS), Ward—21(1), Calcutta.	All matters relating to all sections contained in Chapter XVIIB except section 195, Chapter XVIID and Chapter XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all the assessees who are or would come within the jurisdiction of CIT, WB-I, Calcutta, (except the assessees coming within the jurisdiction of D.C.I.T., Spl. Range-1, Calcutta, D.C.I.T., Spl. Range-11, Calcutta, and D.C.I.T., Spl. Range-22, Calcutta,) and CIT, WB-VII, Calcutta.
5. I.T.O. (TDS), Ward—21(2), Calcutta.	All matters relating to all sections contained in Chapter XVIIB except section 195, Chapter XVIID and Chapter XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all assesses Calcutta (except all assesses coming within the jurisdiction of D.C.I.T., Spl. Range-2, Calcutta, D.C.I.T., Spl. Range-10, Calcutta, D.C.I.T., Spl. Range-12, Calcutta and D.C.I.T., Spl. Range-21, Calcutta), of CIT WB-VIII, Calcutta (except all such cases coming within the jurisdiction of D.C.I.T., Spl. Range-1, Calcutta, D.C.I.T., Spl. Range-11, Calcutta, and D.C.I.T., Spl. Range-22, Calcutta,) and CIT WB-VII, Calcutta.

1	2	3	1	2	3
		tion of D.C.I.T., Rango-Jalpaiguri and all assessees coming within the jurisdiction of the Income-tax Officer at Andaman and Nicobar Islands).	9. I.T.O. (TDS) Ward—21(6), Calcutta.	All matters relating to all sections contained in Chapter-XVIIIB except section 195, Chapter-XVIIID and Chapter-XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all assessees who are or would come within jurisdiction of CIT WR-III, Calcutta (except assessees coming within the jurisdiction of D.C.I.T., Spl. Range-III Calcutta, D.C.I.T., Spl. Range-16, Calcutta, D.C.I.T., Spl. Range-23, Calcutta, and D.C.I.T., Spl. Range-23, Calcutta, and CIT WB-IX, Calcutta.	
6. I.T.O. (TDS), Ward—21(3), Calcutta,	All matters relating to all sections contained in Chapter-XVIIIB except section 195, Chapter-XVIIID and Chapter-XXI of Income-tax Act, 1961 for assessees deemed to be in default (in respect of tax u/s. 201 of the said Act, in respect of all assessees who are or would come within jurisdiction of CIT WR-III, Calcutta (except assessees coming with in the jurisdiction of D.C.I.T., Spl. Range-III Calcutta, D.C.I.T., Spl. Range-16, Calcutta, D.C.I.T., Spl. Range-23, Calcutta, and D.C.I.T., Spl. Range-23, Calcutta, and CIT WB-IX, Calcutta.		10. I.T.O. (TDS), Ward—21(7), Calcutta.	All matters relating to all sections contained in Chapter-XVIIIB except section 195, XVIIID and Chapter-XXI of the Income-tax Act, 1961 for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all the persons who are or would come under the jurisdiction of CIT WB-XI, Calcutta, (except all assessees coming within the jurisdiction of D.C.I.T., Spl. Range-21, Calcutta and all such cases coming within the jurisdiction of Income-tax offices at Hooghly, Midnapore, Haldia and all assessees within the Jurisdiction of D.C.I.T., Range-Asansol) all persons, whose income is exempt u/s 10 of the Income-tax Act, 1961 except cases which are assessed/assessable in the charge of D.I.T. (Exemption, Calcutta and D.D.O.s of Central Government within Calcutta, Howrah, 24 Parganas (North), and 24 parganas (South).	
7. I.T.O. (TDS), Ward—21(4), Calcutta,	All matters relating to all sections contained in Chapter-XVIIIB except section 195, Chapter-XVIIID and Chapter-XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax under section 201 of the said Act, in respect of all assessees who are or would come within the jurisdiction of CIT, WB-IV, Calcutta (except all assessees coming within the jurisdiction of D.C.I.T., Spl. Range-4, Calcutta, D.C.I.T., Spl. Range-14 Calcutta, D.C.I.T. Spl. Range-15, Calcutta, and D.C.I.T., Spl. Range-17, Calcutta) and CIT WB-VI, Calcutta (except all assessees coming within the Jurisdiction of D.C.I.T., Spl. Range-6, Calcutta.)		11. I.T.O. (TDS), Ward—21(8), Calcutta.	All matters relating to all sections contained in Chapter-XVIIIB except section 195, Chapter-XVIIID and Chapter-XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all assessees who are or would come within the jurisdiction of CIT WB-X, Calcutta, (except all assessees coming within the jurisdiction of the Income-tax Offices at Murshidabad and Nadia)	
8. I.T.O. (TDS), Ward—21(5), Calcutta.	All matters relating to all sections contained in Chapter-XVIIIB except section 195, Chapter-XVIIID and Chapter-XXI of the Income-tax Act, 1961, for assessees deemed to be in default in respect of tax u/s. 201 of the said Act, in respect of all assessees who are or would come within the jurisdiction of CIT WB-V, Calcutta (except all assessees coming within the jurisdiction of D.C.I.T., Spl. Range-5, Calcutta), and D.I.T. (Exemption) Calcutta.				

1 2

3

and D.D.Os. of Government of West Bengal within Calcutta, Howrah, 24 Parganas (North) and 24 Parganas (South).

[No. AC/HQ/Planning/345/96-97]
K.P. SINGH Chief Commissioner of Income Tax

(प्रार्थक कार्य विभाग)

(बैंकिंग प्रभाग)

मई दिल्ली, 14 नवम्बर, 1996

का. प्रा. 3326.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (3क) के साथ पठित धारा 19 के खण्ड (ग) के अनुसरण में तथा भारतीय स्टेट बैंक (कर्मचारी निदेशकों की नियुक्ति) नियम, 1974 के नियम 3 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री शंकरेश्वर दत्त, प्रधान लिपिक, भारतीय स्टेट बैंक को दिनांक 14 नवम्बर, 1996 से शुरू होने वाली और 13 मई, 1997 को समाप्त होने वाली अवधि के बास्ते या जहां तक वे भारतीय स्टेट बैंक के एक कर्मचारी के रूप में अपनी सेवा छोड़ नहीं देते, इनमें से जो भी पहले हो, भारतीय स्टेट बैंक के कर्मकार कर्मचारियों में से भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं. एफ 15/6/91-आई.आर.]
सी.बी. प्रसाद, अवार सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 14th November, 1996

S.O. 3326.—In pursuance of clause (ca) of Section 19 read with sub-section (3-A) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), and in exercise of the powers vested under Rule 3 of the State Bank of India (Appointment of Employee Directors) Rules, 1974, the Central Government hereby appoints Shri Shankareshwar Datta, Head Clerk, State Bank of India as a Director on the Central Board of the State Bank of India from among the employees of the State Bank of India, who are workmen, for the period commencing on 14th November, 1996 and ending on 13th May, 1997 or until he ceases to be an employee of State Bank of India, whichever is earlier.

[F. No. 15/6/91-IR]
C. B. PRASAD, Under Secy.

मई दिल्ली, 15 नवम्बर, 1996

का. प्रा. 3327.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खण्ड (घ) के उपखण्ड (ii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, डा.एस. नारायण, प्रबन्ध निदेशक, भारतीय लघु उद्योग बिकास बैंक को श्री एन. वाघुल के स्थान पर, भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक मंडल में निदेशक के रूप में नामित करती है।

[एफ.सं. 7/2/96-बी.ओ. I (i)]
के.के. मंगल, अवार सचिव

New Delhi, the 15th November, 1996

S.O. 3327.—In pursuance of sub-clause (ii) of clause (d) of sub-section (1) of Section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby nominates Dr. S. Narain, Managing Director, Small Industries Development Bank of India, as a Director on the Board of Directors of Industrial Reconstruction Bank of India vice Shri N. Vaghul.

[F. No. 7/2/96-BOI(i)]
K. K. MANGAL, Under Secy.

मई दिल्ली, 15 नवम्बर, 1996

का.प्रा. 3328.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खण्ड (घ) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित व्यक्तियों को भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक मंडल में निदेशक में रूप में नामित करती है ;

- श्री जी. कथूरिया
प्रधान एवं प्रबन्ध निदेशक
बैंक आफ इंडिया
प्रधान कार्यालय, मुम्बई
- श्री एम.एस. वर्मा
प्रबन्ध निदेशक, भारतीय स्टेट बैंक
केन्द्रीय कार्यालय,
मुम्बई
- प्रबन्ध निदेशक
महाराष्ट्र राज्य बिल निगम
मुम्बई

[एफ.सं. 7/2/96-बी.ओ. (ii)]
के.के. मंगल, अवार सचिव

New Delhi, the 15th November, 1996

S.O. 3328.—In pursuance of sub-clause (iii) of clause (d) of sub-section (1) of Section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby nominates the following persons as Directors on the Board of Directors of Industrial Reconstruction Bank of India :

1. Shri G. Kathuria,
Chairman and Managing Director,
Bank of India,
Head Office, MUMBAI.
2. Shri M. S. Verma,
Managing Director,
State Bank of India, Central Office,
MUMBAI.
3. Managing Director,
Maharashtra State,
Financial Corporation,
MUMBAI.

[F. No. 7/2/96-BO.I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 19 नवम्बर, 1996

का०आ० 3329:—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उप-धारा (1) के खण्ड (ख) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा श्री एस० गुहान, प्रसिद्धिन प्राचार्य, मद्रास इंस्टीट्यूट आफ डेवलपमेंट स्टडीज, मद्रास को 19 नवम्बर, 1996 से तीन वर्ष की अवधि के लिए राष्ट्रीय आवास बैंक के निदेशक के रूप में नियुक्त करती है।

[भा० 7/4/95—बी०ओ० I]

के०के० मंगल, अवर सचिव

New Delhi, the 19th November, 1996

S.O. 3329.—In pursuance of clause (b) of sub-section (1) of section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri S. Guhan, Emeritus Professor, Madras Institute of Development Studies, Madras as a Director on the Board of Directors of the National Housing Bank, for a period of three years with effect from 19th November, 1996.

[F. No. 7/4/95-BO.I]
K. K. MANGAL, Under Secy.

नई दिल्ली, 20 नवम्बर, 1996

का०आ० 3330.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, निम्नलिखित वैकों के मूल्यवान कार्यालयों/शाखाओं को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है:—

क्रम सं०	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1.	देना बैंक	5
2.	यूनियन बैंक आफ इंडिया	8
	कुल	13

[भा० 11016/3/96—हिन्दी]

जी०आर० सुमन, उप सचिव

राजभाषा नियम, 1976 के नियम 10 (4) के अन्तर्गत बैंक की शाखाओं को अधिसूचित करना यूनियन बैंक आफ इंडिया

1. ओवरसीज शाखा,
दूसरी मंजिल, एस०आर०रोड,
जयपुर (राजस्थान),
शाखा खुलने की तिथि 26-12-95
2. लघु उद्योग शाखा,
आवास विकास संस्थान, परिसर
जवाहर सर्किल,
जवाहर लाल नेहर मार्ग,
मालवीय नगर, जयपुर,
शाखा खुलने की तिथि 25-3-96
3. विणिट बचत बैंक शाखा,
जनता रोड,
बापू नगर, जयपुर,
शाखा खुलने की तिथि 30-3-96
4. आर०के०एस०डी० कालेज,
अम्बाला रोड,
कैथल (हरियाणा)
शाखा खुलने की तिथि 19-3-96
5. एस०एस०आर० शाखा,
न्यू रेलवे रोड,
गुडगांव (हरियाणा)
शाखा खुलने की तिथि 26-3-96

हाउसिंग बॉर्ड,
सेक्टर-3—1/32,
शारस रोड,
गुडगांव (हरियाणा)
शाखा खुलने की तिथि 25-3-96

7. चक्कपुर पुर,
हाउसिंग बॉर्ड कालोनी,
सरस्वती विहार,
चक्कपुर, गुडगांव
शाखा खुलने की तिथि 25-3-96

8. एस०सी०यो० ५८-५९-६०,
सेक्टर-८ सी, मध्य मार्ग, चण्डीगढ़,
शाखा खुलने की तिथि २९-३-९६
राजभाषा नियम १० (४) के अंतर्गत अधिसूचित कराये
जाने हेतु प्रस्तावित शाखाएँ/कार्यालय

1. देना बैंक,
नरभेरम चैम्बर्स,
मेन रोड,
पो.बा. नं. 123, विरतपुर
जमशेदपुर-831001
2. देना बैंक,
अपर बाजार,
रांधी-834001 (विहार)
3. देना बैंक,
पश्चरी शाखा,
ब्लाक-इच्छागढ़,
पो.आ.-उरमल
जिला-सिंहभूमि-832401
(विहार)
4. देना बैंक
रात्ना शाखा,
ब्लाक-मोहनपुर,
जिला-देवघर-14119
(विहार)
5. देना बैंक,
क्षेत्रीय कार्यालय,
अली कोटी,
पहली मंजिल,
225-सी, आचार्य जगदीशचंद बोस रोड,
कलकत्ता-7000020

than 80% of the staff whereof have acquired the working knowledge of Hindi :-

S.No.	Name of the Bank	No. of Offices/Branches
1.	Dena Bank	5
2.	Union Bank of India	8
	Total	13

[F. No. 11016/3/96-Hindi]
G. R. SUMMAN, Dy. Secy.

Proposed branches/offices to be notified under O.L. Rule 10(4)

UNION BANK OF INDIA
OVERSEAS BRANCH,
11th Floor, M.I. Road,
Jaipur (Rajasthan),
Date of opening 26-12-95.
Small Scale Industries Branch,
Housing Board Premises,
Jawahar Circle,
Jawahar Lal Nehru Marg,
Malviya Nagar, Jaipur,
Date of opening 25-3-96.
Specialised Saving Bank Branch,
Janta Store,
Bapu Nagar, Jaipur,
Date of opening 30-3-96.

R.K.S.D. College,
Ambala Road,
Kaithal (Haryana),
Date of opening 19-3-96.

S.S.I. Branch,
New Railway Road,
Gurgaon (Haryana),
Date of opening 26-3-96.

Housing Board, Sector 31/32,
Jharsa Road, Gurgaon (Haryana),
Date of opening 25-3-96.

Chakkarpur,
Housing Board Colony,
Saraswati Vihar,
Chakkarpur, Gurgaon,
Date of opening 25-3-96.

S.C.O. 58-59-60,
Sector-8C, Madhya Marg,
Chandigarh,
Date of opening 29-3-96.

Dena Bank,
Narbharam Chambers, Main Road,
P.B. No. 123; Bistpur,
Jamshedpur-831001, (Bihar).

Dena Bank,
Apar Bazar,
Kanchi-834001 (Bihar).

Dena Bank,
Ghaghri Branch,
Block-Ichargar,
P.O. Urmal,
Distt. Singhbhoomi-832401,
(Bihar).

Dena Bank,
Radhiya Branch,
Block Mohanpur,
Distt. Devgarh-141119,
(Bihar).

Dena Bank,
Regional Office,
Alpi Court, 1st Floor,
225-C, Acharya Jagdishchand Bose Road,
Calcutta-700020.

New Delhi, 20 November, 1996

S.O.3330—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the listed offices/branches of the following banks, more-

वार्षिक मंत्रालय
नई दिल्ली, 15 नवम्बर, 1996

का०आ० 3331 :—केन्द्रीय सरकार, नियर्ति (वर्तानीटी नियंत्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नियर्ति (वर्तानीटी नियंत्रण और नियोजन) नियम, 1964 के नियम 3 के साथ पर्याप्त अधिमूचना संख्या का० आ० 2563 तारीख 4 सितम्बर, 1995 में आंशिक संशोधन करते हुए, श्री दीपक चटर्जी, अपर सचिव, वार्षिक मंत्रालय को श्री टी०एस० विजयराववन, के स्थान पर तुरन्त लागू करने हुए नियर्ति नियोजन परिषद् का अध्यक्ष नियुक्त करती है।

[का०सं० 3(आई)/4/95-ई०आई०एण्ड ई०पी०]
कुमारी सुमा सुबबण्णा, नियोजक

MINISTRY OF COMMERCE

New Delhi, the 15th November, 1995

S.O. 3331.—In exercise of the powers conferred by Section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with Rule 3 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government in partial modification of Notification No. S.O. 2563 dated 4th September, 1995, hereby appoints Shri Dipak Chatterjee, Additional Secretary, Ministry of Commerce, as Chairman of the Export Inspection Council with immediate effect, vice Shri T. S. Vijayaraghavan.

[File No. 3(i) 4/95-EI&EPI
KUM. SUMA SUBBANNA, Director

दिल्ली विकास प्राधिकरण

नई दिल्ली, 22 नवम्बर, 1996

सार्वजनिक सूचना

का०आ० 3332 :—केन्द्रीय सरकार का दिल्ली की मुख्य योजना-2001/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो अथवा सुमाव देना हो तो वह अपनी आपत्ति/सुमाव लिखित रूप में इस सूचना के जारी होने के 30 दिन की अवधि के अन्दर आपुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, आई०एन०ए०, नई दिल्ली को भेज दें। आपत्ति करने/सुमाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिये।

संशोधन :—

“जोन ‘ओ’ (यमुना नदी) में आने वाले 1.00 हेक्टेयर (2.47 एकड़ि) भूमि क्षेत्र, जो पूर्व में माजिनल बांध रोड/गीता कालोनी सुविधा केन्द्र, पश्चिम और दक्षिण में यमुना नदी और उत्तर में विद्यमान शब्दान/10 नीटर हाउस क्षेत्र से विरा हुआ है, के भूमि उपयोग को “कृषि और जल क्षेत्र (नदी और जल धोका)” से “सार्वजनिक और अर्थ-सार्वजनिक सुविधाओं” (ग्रा०-

धान भूमि/करिस्तान) में परिवर्तित किया जाना प्रस्तावित है।”

2. उपर्युक्त प्रस्ताव को दर्शने वाला नक्शा नियोजन के लिए उपर्युक्त अवधि के अन्दर सभी कार्य-दिवसों में “संयुक्त नियेशक, मुख्य योजना अनुभाग, छठी भैंजिल, आई०पी० एस्टेट, नई दिल्ली-110002 के कार्यालय में उपलब्ध रहेगा।

नई दिल्ली

[सं० ए० 20(4)/91-ए०पी०]
दिनांक 30-11-96

विश्व मोहन बंसन, आपुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 22nd November, 1996

PUBLIC NOTICE

S.O. 3332.—The following modification which the Central Govt proposed to make in the Master Plan for Delhi 2001/Zonal Development Plan is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of 30 days from the date of issue of this notice. The person making objection/suggestion should also give his name and address.

MODIFICATION :

“The land use of an area, measuring 1.00 ha. (2.47 acres), falling in zone 'O' (River Yamuna) bounded by Marginal Bund Road/Geeta Colony Facility Centre in the East, Yamuna River in the West and South, and existing Cremation Ground/10m Green buffer in the North, is proposed to be changed from 'Agriculture and Water Body' (River & Water Body) to 'Public and Semi Public facilities' (Burial ground/Kabristan).”

2. The plan indicating the above proposal is available for inspection at the office of the Joint Director, Master Plan Section, Vikas Minar, 6th floor, IP Estate, New Delhi-110002 on all working days within the period referred to above.

New Delhi

Dated 30-11-96.

[N. F. 20(4)/91-MP]
V. M. BANSAL, Commissioner-cum-Secy.

श्रम मंत्रालय

नई दिल्ली, 6 नवम्बर, 1996

का०आ० 3333 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दलहन अनुसंधान नियेशालय, कानपुर के प्रबन्धतांत्र के संबद्ध नियोजकों और उन के कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[सं० ए० 42012/108/90- आई आर (डी यू)]
के०वी०बी० उणी, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 6th November, 1996

S.O. 3333.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Dalhan Anusandhan Nideshalaya, Kanpur and their workman, which was received by the Central Government on 5-11-1996.

[No. I-42012/108/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 40 of 1991

In the matter of dispute between :

Sri Jai Siyaram,
Through Karamchari Sangh,
Dalhan Anusandhan Nideshalaya,
517, Devisahai Nagar, III Gate,
Kalyanpur, Kanpur.

AND

Pariyojna Nideshak,
Dalhan Anusandhan Nideshalaya,
G. T. Road, Kalyanpur, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. 42012/108/90-IR DU, dated 3-4-91, has referred the following dispute for adjudication to this Tribunal—

Kya Nideshak Dalhan Anusandhan Nideshalaya, Kalyanpur, Kanpur dwara Bhotpurve Karmkar Sri Jai Siyaram ki 20-7-85 se sewa mukta karna nyayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai?

2. The concerned workman Jai Siyaram in his claim statement has alleged that originally he was engaged as a daily rated worker from 1-11-80 upto 20-2-81, thereafter, he was illegal retrenched. Thereafter, he was selected by a committee on 13-4-84. His name was also sponsored by employment exchange. On this basis he was given employment on 17th April, 1984 as daily rated worker. He continued to work there upto 22-7-85. His termination was mala fide. His father was also employed with the opposite party. He was transferred to Gwalior. He had raised the matter before Central Administrative Tribunal in M.P. With the intervention of the Tribunal he was retransferred to Kanpur. In order to show his annoyance towards his father the concerned workman was illegally retrenched. As he had completed more than 240 days his retrenchment is bad being in breach of section 25F of I.D. Act.

3. The opposite party has filed reply in which it is alleged that opposite party is not an industry being a Research Centre. On merits it is alleged that the concerned workman was daily rated worker. He has not completed 240 days in a year, hence he is not entitled for benefit of section 25F of I.D. Act.

4. In this case the only point which needs determination is as to whether the concerned workman had completed 240 days in a year. There is no dispute that his services commenced on 17-4-84 as a daily rated worker and his services were brought to an end on 22-7-85. The management has filed Exts. M-1 to M-16. The extracts of attendance register to prove that the concerned workman had not completed 240 days in a year. The concerned workman has filed Exts. M-17 and M-18. Ext. M-17 contains the details of working days from April, 1984 to December, 1984 which is 142-1/2 days whereas in the year 1985 according to M-18 he had worked for 132 days. Out of this we have to confine ourself for number of days from January 1985 to March 1985 which comes to 57 days. Thus in all he had worked

for 147-1/2 days plus 57 days total 199-1/2 days. In this Sundays are also to be included in view of the case of H. D. Singh versus Reserve Bank of India, Lab. IC, 1985 S.C. Thus it will be deemed that he had completed for more than 240 days in a year, hence he was entitled for retrenchment compensation and notice pay for retrenchment which admittedly has not been done. In this way his retrenchment is bad being in breach of section 25F of I.D. Act.

5. Consequently, my award is that the termination of the concerned workman is bad in law and he will be entitled for reinstatement without back wages.

6. Award is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 नवम्बर, 1996

का०आ० 3334 :—ऑर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी०पी०डब्ल्यू०डी० के प्रवन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ऑर्डोरिंग विवाद में केन्द्रीय सरकार और्डोरिंग अधिकारण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[सं. एल-42011/289/94-आई आर (डी.यू.)]

कै०पी०डी० उण्णी, डैस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3334.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 5-11-96.

[No. L-42011/289/94-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 27/96

In the matter of dispute between :

Shri Jai Narain through
Maha Sachiv, CPWD Karamchari Union,
C-15, Bhai Veer Singh Marg,
Gole Market, New Delhi-110001.

Versus

Executive Engineer,
Electrical Co-ordination Circle,
CPWD, I. P. Bhawan, New Delhi-110002.

APPEARANCES :

None for the workman.
Shri S. K. Vyas for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/289/94-I.R. (D.U.) dated 26-2-96 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Supt. Engineer Electrical Co-ordinating Circle CPWD, I. P. Bhawan, New Delhi in not regularising the service and also denying the equal pay for equal work.

to Shri Jainarain, Beldar-cum-Swerman w.e.f. 1st November, 1988 is fair and justified? If not, what relief the concerned workman is entitled to?"

2. Notice for the reference was sent to the workman six times, in the ordinary way as well as by registered post. But none appeared on behalf of the workman while the management was represented by S. K. Vyas. It appears that the workman is not interested in the dispute and no dispute exist for adjudication by this court as there is no statement of claim in this case. A no dispute award is given in this case leaving the parties to bear their own costs.

1st October, 1996

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 6 नवम्बर, 1996

का०आ० 3335 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र निदेशक आकाशवाणी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[एल-42012/16/86-डी II बी]
के०वी०बी० उण्णी, ईस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3335.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Kendra Nideshak Akashvani and their workman, which was received by the Central Government.

[No. L-42012/16//86-D.IIB]
K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय सरकार न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 27/1287

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
अमांक एल. 42012/16/86-डी II (बी)
दिनांक 9-6-87

अर्जुन कुमार पुत्र श्री वल्लभ जी द्वारा श्री अशोक
परिहार, एम.आई.रोड, जयपुर।

प्रार्थी

केन्द्र निदेशक, आकाशवाणी, जोधपुर

अप्रार्थी

उपस्थित

माननीय न्यायाधीश श्री के.एल. व्यास, आर.एच.
जे.एस.

प्रार्थी की ओर से :

श्री संतोष भट्टाचार्य

प्रार्थी की ओर से : श्री वी.एस. गुर्जर
दिनांक अवधि : 5-11-996

अवार्ड

केन्द्र सरकार द्वारा निम्न विवाद अधिनियम हेतु
निर्देशित किया गया है :

"क्या केन्द्र निदेशक आकाशवाणी के प्रबन्धतंत्र द्वारा नैग्नितिक श्रमिक श्री अर्जुन कुमार की सेवाएं, 3-3-84 में समाप्त करने की कार्यवाई वैध और न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार है और किस तारीख से?"

2. श्रमिक यूनियन ने अपने क्लेम में यह बताया है कि श्रमिक अर्जुन कुमार ने केन्द्र निदेशक आकाशवाणी जोधपुर के यहां 1-4-80 से 22-6-83 तक दो माह के अवधिकार की अवधि के अलावा निरन्तर दैनिक मजदूरी पर कार्य किया था व 22-6-83 से उसकी सेवाएं अवैध स्थ से समाप्त की गई। इसके पश्चात् 9-1-84 को श्रमिक को पुनः सेवा में लिया गया 3-3-84 से उसकी सेवाएं समाप्त की गई। श्रमिक यूनियन के अनुसार श्रमिक की सेवा मुक्ति के समय धारा 25 एक औद्योगिक विवाद अधिनियम 1947 (जिसे तत्पश्चात् अधिनियम संबोधित किया जायगा) के प्रावधान की पालना नहीं की गई।

3. नियोजक ने अपने जवाब में यह स्वीकार किया है कि श्रमिक को दैनिक वेतन पद 1-4-80 से नियोजित किया गया था व उसने 209 दिन कार्य किया। इसके पश्चात् मई 1981 तक वह काम पर नहीं आया व 2-6-81 से 1981 के अंत में तक उसने 169 दिन कार्य किया। इसके पश्चात् 23-6-82 से 22-6-83 की अवधि के बीच उसने 188 दिन व 9-1-84 से 3-3-84 के बीच 98 दिन काम किया। इस प्रकार नियोजक का कथन है कि किसी भी वर्ष में श्रमिक ने 240 दिन काम नहीं किया इसलिए धारा 25 एक अधिनियम के प्रावधान की पालना आवश्यक नहीं थी। बीच की अवधि में दो बार श्रमिक द्वारा स्वच्छा से मजदूरी का परिवर्तन करना नियोजक द्वारा बताया गया है।

4. न्यायाधिकरण द्वारा दोनों पक्षों को उपलब्ध साक्ष्य के आधार पर 15-4-83 को श्रमिक के पक्ष में अधिनियम निम्न प्रकार पारित किया गया :

"केन्द्र निदेशक आकाशवाणी के प्रबन्धतंत्र द्वारा श्रमिक श्री अर्जुन कुमार की सेवाएं 3-3-84 से समाप्त करने की कार्यवाई अवैध तथा अनुचित है। उसे उसके पद पर नियोजित घोषित किया जाता है तथा सेवा में निरन्तरता सहित अन्य सभी लाभ व पिछला समस्त वेतन दिलाया जाता है। नियोजक को आदेश है कि उसका बकाया वेतन आदि की राशि अंदर तीन माह श्रमिक को प्रदा करे अन्यथा 12 प्रतिशत वार्षिक दर से व्याज भी देय होगा। 100— दसवें खर्च मुकदमा भी दिलाया जाता है।"

5. उक्त अधिनियम के बिलाफ नियोजक द्वारा माननीय राजस्थान उच्च न्यायालय में रिट याचिका प्रस्तुत की गई जिसको निर्णय 7-3-95 को किया गया व मामले को पुनः इस न्यायाधिकरण में इस निर्देश के साथ रिमांड किया गया कि श्रमिक द्वारा संबंधित अवधि में किये गये कार्य दिवसों की वास्तविक गणना को जा कर इस तथ्य पर निश्चित विनिश्चय किया जावे ।

6. विवाद के रिमांड होने के पश्चात् न्यायाधिकरण के समक्ष श्रमिक की ओर से उसका स्वयं का नियोजक की ओर से एक गवाह श्री किशनलाल भालानी का शपथ-पत्र प्रस्तुत किया गया व प्रालेखीय साक्ष्य कोई भी प्रस्तुत नहीं की गई । बहस भुनी गई ।

7. माननीय उच्च न्यायालय ने रिट याचिका में विवादित बिन्दुओं के संबंध में जो विनिश्चय किये गये हैं उनमें यह अभिनिर्धारित किया गया है कि नियोजक का यह कथन भानने योग्य नहीं है कि 3-3-84 से एक साल पूर्व की अवधि से कार्य दिवसों की गणना के लिए सुसंगत है व यह भी अभिनिर्धारित किया गया है कि यदि श्रमिक द्वारा 1980 के पश्चात् किसी भी समय लगातार 240 दिन निरन्तर नौकरी नियोजक के यहां की गई है तो उससे श्रमिक की धारा 25-एफ अधिनियम के तहत अधिकार उपलब्ध हो सकते हैं । यह भी टिप्पणी माननीय उच्च न्यायालय द्वारा की गई है कि न्यायाधिकरण ने अपने अधिनियम दिनांक 15-4-93 में कार्य दिवसों की गणना अस्पष्ट रूप से की है इसलिए उपलब्ध व अतिरिक्त साक्ष्य के आधार पर वर्तमान में न्यायाधिकरण द्वारा वास्तविक कार्य दिवसों को गणना की जानी है । इस बात पर कोई विवाद किसी पक्ष ने नहीं उठाया है कि कार्य दिवसों की गणना के लिए उपलब्ध समस्त मौखिक व प्रालेखीय साक्ष्य पर विचार करने के लिए न्यायाधिकरण सक्षम है । इसी दृष्टि से साक्ष्य का विवेचन किया जाकर कार्य दिवसों की गणना की जायगी ।

8. धोनों पक्षों के अभिकथन में जो यह विवाद है कि श्रमिक ने 1980 से 1984 के बीच दो बार सेवा का परिस्ताग किया इसलिए 1983 व 1984 में दुबारा जो उसे नियोजित किया गया उस स्थिति में पूर्व की कार्य दिवसों की गणना नहीं की जा सकती क्योंकि श्रमिक को हर बार नई नियुक्ति दी गई थी व माननीय उच्च न्यायालय के रिट याचिका में यिथे गये निर्णय को देखते हुए यह विवाद वर्तमान में अंतिम रूप से समाप्त हो चुका है व कार्य दिवसों की गणना के लिए श्रमिक की सेवा 1980 से 3-3-84 तक निरन्तर भानी जायगी ।

9. श्रमिक ने अपने क्लेम में मात्र उस अवधि का उल्लेख किया है जिसमें उसने नियोजक के यहां कार्य किया था किन्तु यह प्रकट नहीं किया है कि कुल कितने कार्य दिवस इस अवधि में गणना के अनुसार होते हैं क्लेम के पद सं. 11 में मात्र यह कहा गया है कि श्रमिक ने 240 दिन की सेवा 21-6-83 तक पूरी कर ली थी । नियोजक ने

अपने जवाब में यह भाना है कि वर्ष 1980 में श्रमिक ने 209 दिन, 1981 में 169 दिन 1982 व 1983 की अवधि में 188 दिन व 9-1-84 से 3-3-84 की अवधि में कुल 98 दिन कार्य किया था । इन बारों अवधि का कुल योग 664 कार्य दिवस होने हैं । इसके अतिरिक्त श्रमिक द्वारा पूर्व में दिये गये अधिनियम से पूर्व जो शपथ पत्र प्रस्तुत किये गये थे उसमें भी कार्य दिवसों की वास्तविक स्थिति नहीं बताई गई है तथा यह भी नहीं बताया गया है कि नियोजक द्वारा जो कार्य दिवस स्वीकार किये गये हैं उनमें रविवार या राष्ट्रीय अवकाश शामिल नहीं हैं । नियोजक की ओर से पूर्व में दो गवाह सर्वश्री के, एल. मलानी व एस. एल. आचार्य के जो शपथ पत्र प्रस्तुत हुए हैं उसमें उन्होंने जवाब में बताये गये कार्य दिवसों का समर्थन किया है । दोनों गवाहान से जिरह में यह नहीं पूछा गया है कि इन कार्य दिवसों में साप्ताहिक अवकाश व राष्ट्रीय अवकाश शामिल नहीं थे मास्टर रोल जो नियोजक की ओर से प्रस्तुत किये गये हैं वे यद्यपि साक्ष्य में प्रदर्शित नहीं हैं किन्तु इनके संबंध में कुछ प्रश्न जिरह में नियोजक के गदाहान से पूछे गये हैं प्रस्तुत मास्टररोल में जिन कार्य दिवस का उल्लेख है उनके अनुसार 1980 में श्रमिक ने 14 दिन, 1981 में 14 दिन 1982 में 96 दिन 1983 में 132 दिन व इस प्रकार कुल 256 दिन कार्य किया गया था । यह स्थिति स्पष्ट है कि बकाया अवधि के भस्टररोल न्यायाधिकरण के समक्ष प्रस्तुत नहीं हुए हैं व श्रमिक ने न तो इनको प्रस्तुत करवाने का आवेदन किया है व न ही इनके संबंध में अन्य कोई तर्क दिया गया है । जो भस्टररोल प्रस्तुत हुए हैं उनमें किये गये इन्द्राज में यह भी स्पष्ट है कि कार्य दिवसों में साप्ताहिक अवकाश व राष्ट्रीय अवकाश को जोड़ा हुआ है । इस प्रकार जो भी मौखिक व प्रालेखीय साक्ष्य न्यायाधिकरण के समक्ष उपलब्ध है उससे यह विविध स्थिति पर कोई भी विवाद नहीं है कि 1980 से 3-3-84 के बीच अधिक श्रमिक ने कुल 664 कार्य दिवस नियोजक के यहां मास्टररोल के जरिये कार्य किया था ।

10. श्रमिक यूनियन की ओर से छगन लाल वनाम पंचाशत समिति आर.एल.आर. 1979 पेज 692 व इयाम कॉटेज इस्ट्रीज बनाम लघु उद्योग मजाहूर यूनियन आर.एल. डब्ल्यू. 1979 पेज 596 के दो निर्णय प्रस्तुत किये गये हैं कि कार्य दिवसों में विरन्तर सेवा के उद्देश्य से साप्ताहिक अवकाश व संवैतन अवकाशों को भी शामिल किया जाना चाहिये । इस विधिक स्थिति पर कोई भी विवाद नहीं है किन्तु जो अद्वितीय व साक्ष्य उपलब्ध है उसको देखते हुए श्रमिक यूनियन का तर्क मानने योग्य नहीं है कि नियोजक द्वारा प्रस्तुत साक्ष्य में साप्ताहिक व अन्य मध्यनिक अवकाशों को शामिल नहीं किया गया है ।

11. माननीय उच्च न्यायालय द्वारा रिट याचिका के निर्णय में जो निर्देश कि दिये गये हैं व जो टिप्पणी की गई उसे देखते हुए कार्य दिवसों की गणना के अलावा अन्य

किसी आधार पर पूर्व के अधिनियम का निरस्त नहीं किया गया है व चूंकि न्यायाधिकरण ने उपलब्ध साध्य के आधार पर यह माना है कि अधिक ने लगातार 664 दिन नियोजक के पूर्व कार्य का या इसके अधिक को 3-3-84 से सेवा मुक्ति का कार्यकारी अनुचित व अवैध है क्योंकि सेवा मुक्ति से पूर्व नियोजक द्वारा धारा 25 एक अधिनियम के प्रावधान का अवहेलना का गई था।

12. नियंत्रित विदाद का अधिनियम इस प्रकार किया जाता है कि केन्द्र निदेशक आकाशवाणी जोधपुर द्वारा अधिक अर्जुन कुमार का सेवाएं 3-3-84 से समाप्त करने का कार्यकारी अनुचित व अवैध है व परिणामस्वरूप अधिक सेवा का निरन्तरता बनाये रखते हुए पुनः सेवा में बहाल होने का व वाव का अधिकारी का समस्त वेतन व अन्य आधिकारी नियमानुसार प्राप्त करने का अधिकारी है।

13. अधिनियम आज दिनांक 5-1-1996 को लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनात्मक नियमानुसार भेजा जावे।

के. एल. व्यास न्यायाधीश

नई दिल्ली, 6 नवम्बर, 1996

का. आ. 3336 :—श्रीदोगिक विदाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबन्धक डाकतार लखनऊ, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में नियंत्रित श्रीदोगिक विदाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-11-96 को प्राप्त हुआ था।

[सं. एल.-40012/214/91-प्राई आर (डी.यू.)]

के. वी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunications and their workman, which was received by the Central Government on 5-11-96.

[No. L-40012/214/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 103/92

In the matter of dispute between
Sunil Kumar Misra,
C/o Bhola Nath Agarwal,
252/10, Shastri Nagar,
Kanpur.

AND

Maha Prabandhak,
U.P. Circle, P.M.G. Building,
Hazrat Ganj, Lucknow.

APPEARANCES :

Shri S. N. Tiwari for the workman.
None for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. 40012/214/91-I.R. (D.U.) dated 2nd September, 1992, has referred the following dispute for adjudication to this Tribunal :

Whether the action of General Manager, Telecommunication, Lucknow in terminating the services of Shri Sunil Kumar Mishra, S/o Ram Bihari Mishra w.e.f. 30-3-1988 is justified? If not, what relief he is entitled to?

2. It is not necessary to give details of the case as on 3-10-96 representative of the concerned workman has filed an application for closure of the case. Hence, the reference answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 नवम्बर, 1996

का. आ. 3337 :—श्रीदोगिक विदाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय बकरी अनुसंधान संस्थान, मथुरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में नियंत्रित श्रीदोगिक विदाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-11-96 दो प्राप्त हुआ था।

[सं. एल.-42011/22/88-डी-2 (बी)]

के. वी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Goats and their workman, which was received by the Central Government on 5th November, 1996.

[No. L-42011/22/88-D.2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 261 of 1989

In the matter of dispute between:
Uttar Pradesh,
Khetiar Mazdoor Congress,
2/236 Nainital Agra.

AND

Central Institute for Research on Goats
Makhdoom P.O. Farah District, Mathura.

APPEARANCE :

Shri Surender Singh—for the Workman.
Shri B. N. Bhattacharya—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-42011/22/88-D-2(B) dated 24th October, 1989 has referred the following dispute to this Tribunal for adjudication :

Whether the Director, Central Institute for Research on Goats, Farah (Mathura) was justified in dismissing Shri Panna Lal and 17 others as per list enclosed w.e.f. 19th October, 1987? If not, what relief the workmen are entitled to?

2. In this case there are 18 workmen whose names have been given in the schedule annexed herewith. They are casual daily rated workers of the opposite party Central Institute for Research on Goats Makhdoom Farah District Mathura. According to Management on 12th October, 1987 at about 11.50 A.M. these concerned workmen in furtherance of their common object had assaulted Nand Kishor the Administrative Officer of opposite party when he was sitting in his official Jeep No. U.S. 07627 and also threatened to kill him. On account of this misconduct the management had dispensed with the services of the concerned workmen by order dated 19th October, 1987.

3. Feeling aggrieved these workmen has raised this industrial dispute.

4. In the claim statement it is denied that on 12th October, 1987 they had assaulted Nand Kishor at all. In any case without holding any enquiry the services could not be brought to an end without holding any domestic enquiry.

5. The opposite party has filed reply in which it is alleged that the incident is true. In this regard F.I.R. was lodged and criminal case is pending. It is further alleged that there was no need to hold enquiry. In any case the opposite party not an Industry.

6. In the rejoinder nothing new has been said.

7. There is a copy of judgement order dated 15th April, 1993 passed by VIII Munisif Magistrate Mathura which shows that the prosecution based on F.I.R. of the management had ended in clear cut aquittal.

8. There is no denying of the fact that the management had not held any enquiry in respect of alleged misconduct dated 12th October, 1987. It is well settled law that a workman can not be removed from service without holding any domestic enquiry, so that delequent may be given chance to explain the misconduct. In the absence of any such enquiry the termination order would be arbitrary and contrary to principle of natural justice. Hence the termination of the concerned workmen would be illegal.

9. The management has referred to the case of Kamal Kishore Lakshman vs. M/s. American World Airways INC and Others (146) 1987 S.C. and at the time of argument sought to justify adducing of evidence to prove the misconduct. I am not inclined to grant this indulgence as the management had not claimed such right in the written statement. In the absence of pleading I deny this right to the Management. Accordingly the evidence adduced by the management to prove the misconduct is not being considered.

10. In the end my award is that the dismissal of the concerned workmen by order dated 19th October, 1987 is bad in law and the concerned workmen will be entitled for reinstatement. The management is given option to hold domestic enquiry in respect of this incident.

B. K. SRIVASTAVA, Presiding Officer

मांग नं. 1

श्रीमान केन्द्रीय सहायक श्रमायुक्त महोदय लखनऊ।
कैम्प आगरा

मात्यवर जिन 18 कर्मचारियों की सेवायें अवैध रूप में समाप्त की हैं। उनके नाम इस प्रकार हैं।

1. पशालाल पुत्र श्री गंदालाल
2. राकेश पुत्र श्री रामजीलाल
3. प्रेमसिंह पुत्र श्री रोहनसिंह
4. महेन्द्रसिंह पुत्र श्री पूरनसिंह
5. पंचम सिंह पुत्र गोरनारासिंह
6. हक्कोपुत्र श्री रेवती
7. चुम्हा पुत्र श्री दिवानी
8. गुलाब सिंह पुत्र श्री भजन लाल
9. विजयसिंह पुत्र श्री पूरनसिंह
10. उदयसिंह पुत्र श्री रामस्वरूप
11. धर्मसिंह पुत्र श्री लोहरे
12. मदन पुत्र श्री कमलसिंह
13. श्रीम प्रकाश पुत्र श्री कालीचरन
14. ग्रन्थोक पुत्र श्री सोना
15. किशनसिंह पुत्र श्री नरायनसिंह
16. जमूना प्रसाद पुत्र श्री भीमसेन
17. करनसिंह पुत्र श्री लोहरे
18. जसवन्त पुत्र श्री हुकमसिंह

अधिक प्रतिनिधि

नई दिल्ली, 6 नवम्बर 1996

का. आ. 3338—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय बकरी, अनुसंधान संस्थान मथुरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार, श्रीशोगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[सं. एल-42012/99/89-आई आर (शी. य.)]

के. श्री. दी. उण्णी, ईस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Costs.

Mathura and their workman, which was received by the Central Government on—

[No. L-42012/99/IR(DU);
K. V. B. UNNY, Desk Officer]

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 316 of 1989

In the matter of dispute between :

Ram Bharosey,
S/o Sri Banwari Lal,
C/o Rajvir Singh Solanki,
1/30, Refinery Nagar Mathura,

AND

Director,
Central Institute for Research on Goats,
P.O. Farah, Mauthra.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-42012/99/IR.D.U. dated 13th December, 1983, has referred the following dispute for adjudication to this Tribunal—

Whether the Director, Central Institute for Research on Goats, Mathura was justified in terminating the services of Sri Ram Bharosey, S/o Sri Banwari Lal, Labour, w.e.f. 15-12-85? If not, what relief the workman concerned is entitled to?

2. The case of the concerned workman Ram Bharosey S/o Banwari Lal is that he was appointed as casual labour on 1-1-1983 with the opposite party Central Institute for Research on Goats, Mathura. He continued to work upto 15th December, 1985. Thereafter his services were illegally terminated. However, juniors to him were retained in services. In this way there has been breach of section 25F and G of I.D. Act.

3. The opposite party has filed reply in which it has been alleged that concerned workman had worked from April, 1983 to August 1983 for fixed period thereafter he did not work at all. Hence question of termination w.e.f. 15-12-85 does not arise. It is also alleged that the opposite party is not an Industry.

4. The first question which needs determination is as to whether the concerned workman had worked upto 15-12-85. In this regard there is evidence of Ram Bharosey. Earlier he had filed affidavit. In his cross-examination he has stated that he was appointed on 1-1-1983. He had got himself registered with Employment Exchange. In further cross-examination he has stated that one Ramesh Baba had assigned him duties. However, he does not remember officer under whom he had worked. He had denied suggestion that he did not work from August 1983.

5. On the other hand Anil Behari, Assistant Administrative Officer an official has only filed the copy of attendance whereas Ramesh Chandra has stated that concerned workman did not work from January, 1981. Instead he had worked between April 1983 to August 1983. There is copy of joint inspection report dated 8-3-96 on record in which the name of the concerned workman Ram Bharosey son of Banwari Lal was not found in January, 1983 and February 1983 but there was the name of Ram Bharosey son of Girraj. There is also mention of the fact that Surendra Singh authorised representative of the concerned workman had raised objection with regard to father's name Ram Bharosey as Girraj was wrongly written in the attendance register. In my opinion simply lodging a protest in this regard was not enough. Some one ought to have been examined on behalf of the concerned workman. Further the management wit-

ness has maintained that Ram Bharosey S/o Girraj is still working which fact was not denied by the concerned workman. Apart from this there is also extract of attendance register on record from which it is proved that concerned workman had worked between April 1983 to August, 1983. He had not worked upto December, 1985 at all. Thus there is force in the contention of opposite party that Ram Bharosey was not in service in December, 1983. Hence it cannot be said that opposite party had terminated the services of the concerned workman on 15-12-85 at all. This Tribunal cannot go beyond the reference because of bar of Section 10(4) of I.D. Act. When the services of the concerned workman were not terminated or 15-12-85, question of its being illegal does not arise. Hence the concerned workman is not entitled for any relief on this basis.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 नवम्बर, 1996

का. आ. 3339:—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सांगली बैंक लि. के प्रबन्धतान्त्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण बम्बई नं. 2 के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-11-96 को प्राप्त हुआ था।

[संख्या एन-12012/55/94-आई आर बी आई]

पौर्जे० माईकल, इम्प्र अधिकारी

New Delhi, the 5th November, 1996

S.O. 3339.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sangli Bank Ltd. and their workman, which was received by the Central Government on the 4th November, 1996.

[No. L-12012/55/94-IR-BI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/16 of 1995

Employers in Relation to the Management of Sangli Bank Limited,

AND

Their Workmen.

APPEARANCES :

For the Employer—Shri M. V. Gaokar, Advocate.

For the Workmen—S/ Shri D. C. Thigale, V. P. Tamankar, Advocates.

Mumbai, dated 3rd October, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/55/94-IR(B-I) dated 19th July, 1995, had referred to the following Industrial Dispute for adjudication :

"Whether the management of the Sangli Bank Ltd., Sangli, is justified in terminating the services w.e.f. 25th March, 1992 of Shri Narendra Vasant Satpute a sub-staff? If not, to what relief the workman is entitled?"

2. N. V. Satpute the worker initially send a statement of claim by post which is dated 2nd August, 1995 (Exhibit-2). Later on he filed another statement of claim alongwith Exhibit-6. It is contended that on 5th April, 1991 he was employed with the bank as a peon. He continuously worked till 25th March, 1992, at the Sangli Bank Ltd., Branch Bedang. It is averred that he was wrongfully terminated without any reasons. It is averred that he was terminated with a view to escape from the law of the land and with ulterior motives. They wanted to engage a person of their choice and had thus practised unfair labour practice. He requested the management to take him again but it was of no use. It is averred that there is no justification for his removal from the service. He therefore prayed that he may be reinstated in service with full back wages and continuity.

3. The management opposed the claim by the written statement Exhibit-6. It is pleaded that the dispute which is referred is not proper. It is not a collective dispute but is an individual dispute and the reference is made presuming it to the collective dispute. Therefore it deserves to be rejected. It is averred that the worker was appointed by appointment letter dated 20th June, 1991 for a probation of six months. His probation was extended by three months by a letter dated 26th December, 1991. The period of probation was to be completed on 25th March, 1992. It is averred that on that date a notice was served upon him terminating his service and he was paid one months salary. It is averred that the worker did not complete the probation satisfactorily. It is therefore the management was justified in terminating his services. It is pleaded that there is no merit in the case of the worker and the reference deserves to be answered in favour of the management.

4. The worker filed a rejoinder at 'Ex-10'. It is asserted that the reference is correctly made and there is no substance in the contention of the management. It is averred that the worker is in continuous service and his services are terminated without any justification. It is pleaded that the ground for termination the performance of the workman was not up to the mark/satisfactory is a totally vague and a false statement. It is submitted that no inquiry as per Shastri Award regarding unsatisfactory work of the worker was conducted and he was not given an opportunity to explain at any time.

5. The issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
1. Whether the reference is tenable ?	Yes.
2. Whether the management of Sangli Bank Limited, Sangli is justified in terminating the services w.e.f. 25-3-1992 ?	Yes
3. If not, what relief the workman is entitled ?	Does not survive.

REASONS

6. Mr. Gaokar, the Learned Advocate for the Sangli Bank in his written statement had taken contention of maintainability of the reference. He argued the matter in length before me. He also filed his written submissions at 'Ex. 24'. It appears that he has given up his contention regarding the maintainability of the reference. There is no word of reference in his oral submission and in the written arguments regarding the maintainability of the reference. Satpute was terminated from service. He filed statement of claim. There is no illegality in the same. After perusal of the order of reference also I do not find any illegality or irregularity whatsoever. I do not find any merit in the contention taken by the management regarding maintainability of the reference.

7. Narendra Satpute lead evidence at 'Ex-11' Vijay Pacchapure, the Branch Manager lead evidence on behalf of the management (Ex-16). The parties have filed documents alongwith Ex-8, 15 and also alongwith Ex-16. From the evidence, it reveals that initially Satpute was employed as a casual labourer from 5th April, 1991 to 25th March, 1992. Thereafter he was appointed as a sub-staff on probation for six months (Ex-8/1). He accented to probationary appointment (Ex-8/2). This speaks that his probation was of six

months from 26th June, 1991 i.e. from the date he joined the service. It is not in dispute that his probation was extended for three months (Ex-8/3). A letter dated 16th December, 1991 was issued to that effect and Satpute received a copy. This extension was to complete on 25th December, 1992. On 24th March, 1992 he was given a termination letter (Ex-8/4). He was informed that after closing of the office hours on 25th March, 1992 he should not come to work. Even though Satpute refused to accept that letter he accepts that he received the same later on and his salary for one month was credited in his account.

8. Pacchapure affirmed that looking to the nature of the work of sub-staff, Satpute, who is handicapped is not found suitable. He found that he is incapable of doing the work by his hands. He also submitted that in his confidential reports it is mentioned that his work is unsatisfactory. Those confidential reports are produced alongwith 'Ex-14'. They are dated 11th December, 1991 to 21st March, 1992. Mr. Thigale, the Learned advocate for the workman argued that on those dates the concerned officer were on leave and the reports are written afterwards. These are the confidential reports, even if the person is on leave he can write this at his residence. If the officer is on leave is not necessary that he should not perform any other necessary duties of an officer. I am therefore not inclined to accept that these reports are prepared later on.

9. From the extract of attendance registers which are produced on the record it reveals that Satpute was first appointed on 10th April, 1991 as casual labourer. He continued to do the work in that capacity for two months, that is till 10th June, 1991. Thereafter he was discontinued and joined the services on 26th December, 1991 as a probationer. He accepted the appointment letter, now it means that his service conditions are governed as per the Bi-partite settlements and different awards. His probation was extended for three months and then as he was found unsatisfactory he was terminated. So far as the argument of the Learned Advocate for the workman is concerned that he is in continuous service has no merit in the present matter. In *Dhanjibhai v. State of Gujarat AIR 1955 Supreme Court 603* Their Lordships have observed that there is no right in which probationer to be confirmed merely because he had completed the period of probation of two years and had passed the requisite tests and completed the prescribed training. The function of confirmation implies the exercise of judgment by the confirming authority on the overall suitability of the employee for permanent absorption in service. Here the confirming authority came to the conclusion that Satpute is not suitable. Therefore they decided to terminate his service which is perfectly legal. In another case, that is between Governing Council, Kidwai Memorial Institute of Oncology, Bangalore and Dr. Pandurang Godwakar 1993(66) FLR SC 607 Their Lordships observed "After over all assessment of the performance of the employee in a probation period the termination is carried out. Such a termination will not be vitiated because no inquiry was carried out. Here in this case the management had taken into consideration the performance of the worker and decided to terminate him. Relying on this ratio I do not find that inquiry was required before his termination.

10. In *Hardeen Singh V's. State of Haryana 1988(56) FCR 63*, Their Lordships have observed that "it is well settled that the probationer has no right to the post and if he is found by the concerned authorities to be unsuitable for the post during his probation period his services may be done away with. Here in this case the authorities found the service of Satpute unsatisfactory. Therefore they got every right to terminate him.

11. The Learned Advocate for the worker argued that in view of the provisions of the Shastri Award the termination of the workman amounts to illegal and wrongful termination. I do not find any merit in the said contention. In Shastri Award also para 522(1) deals with termination of service of probationer. It states that the services of the probationer may be terminated by one month notice on payment of one month pay and allowance in lieu of notice. Here the management had given one month pay to the worker. For all these reasons I return my findings on the issues accordingly and pass the following order :

ORDER

The management of Sangli Bank Limited, "Sangli is justified in terminating the services of Narendra Vasant Satpute, sub-staff w.e.f. 25th March, 1992.

SHRI B. K. SRIVASTAVA, Presiding Officer
3-11-1996.

संख्या दिल्ली 36 अक्टूबर 1996

का. आ. 3340—प्रौद्योगिक विवाद अधिनियम, 1947 (1977 का 14) का ध्यान 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्ध तंत्र के संबंध तिथों को योर उनके कर्तव्यों के बाबत 'अनुबंध' से तिदंत प्रौद्योगिक विवाद में केन्द्रीय सरकार... प्रौद्योगिक अधिकरण, कानपुर के विवरण को प्रकाशित करती है जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

संख्या एन-12012/164/89-IR.BI
मी.जी. साईफ़ान, ईस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3340.—In pursuance of Section II of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown, in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 3-11-96.

[No. L-12012/164/89-IR.BI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT DEOKI PALACE

ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 219 of 1989.
In the matter of dispute between :

Ram Natesh Tiwari,
C/o. V. N. Sahkri,
26/104 Birhana Road,
Kanpur.

AND

Regional Manager,
State Bank of India,
Region-I,
M. G. Road Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/164/89-IR. B-3 dated 10-9-89, has referred the following dispute for adjudication to this Tribunal :

Whether the management of State Bank of India, Lucknow was justified in terminating the services of Shri Ram Natesh Tiwari w.e.f. 10-1-84 in violation of Section 25G & H of I.D. Act, 1947? If not, what relief the workman was entitled to?

2. It is not necessary to give details of the case, as after sufficient service the concerned workman has not turned up for adducing his evidence. Hence the reference is answered against the concerned workman for want of prosecution and proof and hence the workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

3341—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का ध्या 3-11-7 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्ध तंत्र के संबंध तिथों को योर उनके कर्तव्यों के बाबत 'अनुबंध' से तिदंत प्रौद्योगिक विवाद में केन्द्रीय सरकार... प्रौद्योगिक अधिकरण, कानपुर के विवरण को प्रकाशित करती है जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[रिकॉर्ड नं. L-12012/164/89-IR.BI]

प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का ध्या 3-11-7 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्ध तंत्र के संबंध तिथों को योर उनके कर्तव्यों के बाबत 'अनुबंध' से तिदंत प्रौद्योगिक विवाद में केन्द्रीय सरकार... प्रौद्योगिक अधिकरण, कानपुर के विवरण को प्रकाशित करती है जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

New Delhi, the 6th November, 1996

"S.O. 3341.—In pursuance of Section II of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 3-11-96."

[No. L-12012/164/89-IR.BI]

P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT DEOKI PALACE PANDU NAGAR KANPUR

Industrial Dispute No. 4 of 1991
in the matter of dispute between:

Ajal Kumar Dwivedi
C/o. V. N. Sekhri,
26/104 Birhana Road,
Kanpur.

AND

Regional Manager,
Bhartiya State Bank,
Region-III,
Zonal Office Mall Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour New Delhi, vide its notification No. L-12012/220/90-IR. B-3 dated 30-1-91, has referred to this tribunal following dispute for adjudication :—

"Kya State Bank of India, Kanpur se prabandhaka dwara Bhootpurva Messenger Sri Ajai Kumar Dwivedi ko dinan 10-3-88 se nishkashit karna nyayochit hai? Kisi Nabi se samprapti kyun karne ka anuhotosh ke baqdar hai?

2. The concerned workman Ajai Kumar Dwivedi, in his claim statement has alleged that he was appointed as messenger on 11-7-87 at Chamanganj Branch of the opposite party State Bank of India and continuously worked upto 9-3-88. On 10-3-88, he met with an accident hence he applied for leave from 10-3-88 to 13-4-88. When he went to join after expiry of his leave he was not allowed. Instead he was informed that his services have been terminated w.e.f. 10-3-88. This termination order is bad in law because of breach of section 25F G and H of I.D. Act.

3. The opposite party in his claim statement has alleged that the concerned workman was engaged for 198 days in a 10th vacany upto 13-2-88, thereafter his services came to an end. The story of abstaining ministry by the concerned workman is after thought. It is also denied that any provisions of section 25F G and H have been violated.

4. The concerned workman filed rejoinder in which the fact of his being employed in leave vacancies for a fixed period was denied.

5. The first question which needs for consideration is as to whether the concerned workman was appointed in leave vacancy for 198 days. The management has examined its branch manager R. B. Gupta who has stated that the concerned workman was appointed for 198 days as casual worker. He has not stated that the concerned workman was appointed in place of some one. The management has filed ext. M-1 copy of appointment letter dt. 31-7-87 which goes to prove that the concerned workman was appointed upto 13-2-88. It nowhere says that this appointment has been made in leave vacancy. Hence at the most this paper goes to prove that the concerned workman was appointed for a fixed period. But concerned workman has filed copy of certificate dated 22-3-89 which goes to show that concerned workman had worked from 31-7-87 9th March, 1988 for 223 days. In other words he had worked beyond stipulated period. In this back ground I find force in the contention of the authorised representative of the concerned workman that this appointment letter was prepared by way of unfair labour practice to keep sword of management hanging over the head of the concerned workman. Because of all this and the categorical statement of the workman it is held that the appointment of the concerned workman was not for a fixed period in leave vacancy. Instead it was a temporary appointment. Once again there is copy of certificate dated 22-3-89 given by branch manager which shows that the concerned workman had worked for 223 days only. In this way he had not rendered service for 240 days or over in a year consequently he is not entitled for benefit of section 24F of I.D. Act. Certainly retrenchment cannot be said to be bad on this score.

6. There is no evidence worth the name to prove that any one subsequent to the retrenchment of the concerned workman have been engaged hence it is held there has been no breach of section 25H of I.D. Act.

7. Of course there is evidence of the concerned workman that when he was retrenched he was not the junior most. Instead one Rajesh Pandey was the junior most at that time. He was not cross examined on this point. Even R. B. Gupta M.W.I has not repudiated it. In this way there is unrebutted evidence of the concerned workman that when his services were retrenched junior to him was retained. In this way my findings that there has been breach of section 25H of Industrial Disputes Act, 1947, and the retrenchment is bad in law.

8. In view of above my award is that the retrenchment of the concerned workman is bad in law and he is entitled for reinstatement. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 नवम्बर 1996

का. आ. 3342—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तरण में केन्द्रीय सरकार नाव ईस्टर्न रेलवे के प्रबन्धनवाले के संबद्ध नियोजनों और उनके कर्मकारों के बीच अन्वय में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकारण, कानपुर के पंचायत को दकानित करते हैं जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[संख्या प्रक-41012/59/92-आई आर बी आई]
पं. जे. माईकल, ईस्टक अधिकारी

New Delhi, the 6th November, 1996

S.O. 3342.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workman, which was received by the Central Government on 5-11-96.

the industrial dispute between the employers in relation to the management of North Eastern Rly. and their workman, which was received by the Central Government on the 5-11-96.

[No. I-41012/59/92-IRBII]
P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 72 of 1993

In the matter of dispute between :
D. S. T. E. (Construction),
Ashok Marg,
N. E. Railway Lucknow.

AND

General Secretary,
Purvottar Railway Sharmik Sangh,
6 Navin Market,
Kaisarbagh Lucknow.

AWARD

1. Central Government, Ministry of Labour New Delhi vide its notification No. 41012/59/92 dated 8-9-93 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of B.S.T.E. (Construction), North Eastern Railway, West Lucknow in terminating the services of Shri Ram Prakash Dzin, Ex-Khalasi w.e.f. 3-3-86 is justified? If not, what relief the workman concerned is entitled to?

2. It is unnecessary to give facts of the case in detail, as after exchange of pleadings by the parties, the concerned workman started absenting himself. Hence the reference is answered against the concerned workman for want of prosecution.

Sd/-
25-10-96

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 नवम्बर, 1996

का. आ. :—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धनवाले के संबद्ध नियोजनों और उनके कर्मकारों के बीच अन्वय में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकारण, कानपुर के पंचायत को दकानित करते हैं जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ है।

[संख्या प्रक-41012/59/92-आई आर बी आई]
पं. जे. माईकल, ईस्टक अधिकारी

New Delhi, the 6th November, 1996

S.O. 3342.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workman, which was received by the Central Government on 5-11-96.

No. I-41012/59/92-IRBII
MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 22 of 1991

In the matter of dispute between :

Dinanath Tiwari,
Upadhyaksh Uttar Railway Karamchali Union,
2, Navin Market, Pared, Kanpur.

AND

Divisional Railway Manager,
Uttar Railway, Allahabad Division.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/60/90-IR. (D.U.) dated 13th March, 1991 has referred the following dispute for adjudication to this Tribunal.—

Kya Mandal Rail Prabandhak, Uttar Railway, Allahabad dwara PWI (Special) I-tawah ke Adhin Bhupura Akashik Sramik Sri Rakesh Singh ko din 14-6-86 se nishikasit karna nyayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka hugdar hai?

2. The concerned workman Rakesh Singh in his claim statement has alleged that he was engaged as gangman on 18-10-84 by Northern Railway at Etawah Railway Station. He was medically examined in November 1985 for D-1 category and was declared fit on 6-11-85. Thereafter he was given CPC scale. On 9-5-86, he had proceeded on casual leave for two days, thereafter he fell ill. He applied for medical leave by mail. On 14-9-86 he was found fit by doctor. When he came to join on 15-9-86 he was not allowed to join which amount to retrenchment. The same is bad in law as his services could not be dispensed with without holding inquiry and payment of retrenchment compensation. The opposite party has filed reply in which it is alleged that the concerned workman was appointed as daily rated casual worker. He left the office on 9-5-86 without applying for leave and he continued to remain absent. As he was a daily rated casual worker and as he had continued to remain absent for more than 2 days, his services came to an end automatically according to railway establishment code.

3. In the rejoinder new facts have been denied.

4. In support of his case the concerned workman filed his affidavit besides he filed W.1 to W.10. The railway was debarred from cross examining the concerned workman on 17-8-85 as there was no one to cross-examine on behalf of railway. In rebuttal there is evidence of Rai Narain CPW.I.

4. The railway has filed the extract of number of working days of the concerned workman which go to show that the concerned workman was a daily rated casual worker. In view of this extract I am not inclined to accept the statement of the concerned workman that he was engaged as a gangman.

5. It is admitted to both the parties that the medical test of concerned workman was carried out but there is no proof that actually promotion was granted to the concerned workman or CPC scale was given to him. Hence this point is decided against the concerned workman for want of proof.

6. I am also not inclined to accept the statement of concerned workman that he had proceeded on leave after making application as that fact has been denied by Rajnarain. Further the copy of such application has also not been filed. It appears to me that this case has been prepared by the concerned workman by way of manipulation. The papers Exts. W-3, W-4 and W-7 to W-10 have also been manipu-

lated for the purposes of the case. Hence, my finding is that the concerned workman had himself started absconding from duty without any leave application. As he was a casual worker his services came to an end automatically. He had no right to claim service when he is alleged to have approached the opposite party on 14-6-86 for doing work.

7. In the end my award is that the concerned workman himself had absented from duty. Hence question of termination does not arise. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

मेरे दिल्ली, 6 नवम्बर, 1996

का.आ. 3344--आंशिक विवाद आधानियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन रेल अर्थ विभ. के प्रबन्धताल के संबंध नियोजकों और उनके अम्बियों के बीच, अनुबंध में निर्दिष्ट आंशिक विवाद में केन्द्रीय सरकार आंशिक अधिकारण द. 2 मुम्बई के पंचाट को प्रतापित करती है, जो केन्द्रीय सरकार को 4-11-96 को प्राप्त हुआ था।

[मा.प्र. 28011/3/94-आई.आर. (विवाद)]

बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 6th November, 1996

S.O. 3344.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earth Ltd., and their workman, which was received by the Central Government on 4-11-96.

[No. L-28011/3/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI.

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/51 of 1994

Employers in relation to the management of Indian Rare Earth Limited, H.R.D.

AND

Their workmen.

APPEARANCES :

For the Employer : Mr. Shirazi M. and Mr. Shreedharan, Advocates.

For the Workmen : Mr. J. S. Borkar, Advocate.

Mumbai, dated the 4th October, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-28011/3/94-IR(Misc.) dated 31-10-94 had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Indian Rare Earths Ltd., Trombay, Bombay in not absorbing the 78 casual workmen (as per list enclosed) with effect from their respective date of appointment on the permanent roll of the company is legal and justified? If not, to what relief the concerned workmen are entitled to?”

2. The Secretary, Samyad Samanya Karmgar Sangh file a statement of claim at Exhibit-4. It is contended that the company causes its' casual' or 'casual' employees to do the work which is of a permanent and permanent nature. The casual employees are required to work in various departments of the company. They are rotated in such a manner that none of them completes 240 days in a calendar year thereby depriving them of the status of a permanent workman and also depriving them of the benefits enjoyed by the permanent employees of the company. It is asserted that they do the work which is done by all permanent employees. It is averred that they are paid much lesser wages as per the receipt of pay scale under the long term wage settlement. However, these workmen were being paid daily wages of Rs. 35 only which is much below the minimum wage payable to an employee working in a factory. It is averred that they are not given any other benefits. There is no E.S.I.C. contribution Provident Fund and other benefits.

It is averred that only the professional tax was being deducted with the employee earns more than Rs. 4000 per month.

3. The union pleaded that there was a gross discrimination in the wages being paid to the permanent workmen in their categories that is helpers and the casual workmen who were doing the same work. It is averred that they are entitled to the same wages under the principles of equal pay for equal work.

4. The union pleaded that about 45 workers are required to work everyday in the company to keep the work going. It is averred that the company's action for getting the work done which is of a permanent and permanent nature by appointing casual workers is ex-facie illegal, void and bad in law. It is pleaded that about 15-20 persons have been recruited on regular basis in place of the persons who are concerned in the present reference. The said work which was being performed by the concerned workers is now being given to the newly recruited 20 employees by passing the seniority of casual employees. It is pleaded that the company is practicing human labour practice under Schedule 5 of the Industrial Disputes Act of 1947. It is pleaded that the employees whose names are appearing on the reference are entitled to appointment on the permanent roll of the company that they are entitled to difference of wages between the wages paid to the permanent workmen in category of helper and the workmen covered in the reference alongwith costs.

5. The company resisted the claim by the written statement (Ex-5). It is contended that the plant is more than 40 years old which is likely to shut down for good in the near future as the government may not renew its licence for operation. It is pleaded that the new Thorium plant was set up at Orissa and the same has become operational w.e.f. 1992. It is therefore Mumbai Thorium plant would be run only till the Orissa plant attain to full capacity. It is averred that the plant at Mumbai which is 10 years old had to be in maintenance condition therefore it was necessary to engage few casual employees for work which is not of a permanent nature. It is averred that the skills and experience of the regular employees was different from the casual employees who are not qualified and experienced. The company is making loss and therefore the question of increasing the manpower of the factory did not arise. It is asserted that the work which was performed by the casual employees in the plant are quite different from the work performed by the regular employees in the plant. It is asserted that the work carried out by the casual employees is intermittent and not of a regular and permanent nature. It is asserted that the casual employees were rotated in employment only with a view that all of them got equal opportunity of employment. It is averred that there can be no comparison of wages paid to the regular employees who possessed different skills and expertise.

6. The company pleaded that the casual workers are paid much above the minimum wage. They are also provided with other facilities in the company. It is submitted that as the plant has to be closed voluntary retirement scheme is effected and many workers opted for the same. As per the scheme in their place there would be a new recruitment. It is averred that the company engages only 20th of casual

workers in a month to cope with the functioning requirements monthly for maintenance, cleaning premises, clearing the waste, and material handling and for assisting the regular workers when there is temporary increase in associated work. It is averred that the company is facing losses every year and the losses are increased. It is averred that in case the existing Thorium plant is scheduled to close down the question of taking regular employees do not arise. It is therefore prayed that the reference may be answered in favour of the management.

7. The union filed a rejoinder at Ex-6. It reiterated the contention taken in the statement of claim and denied the contentions taken by the company in their written statement.

8. The issues that fall for my consideration and my findings thereon are as follows :

Issues	Findings
--------	----------

1. Whether the action of the management of Indian Rare Earths Limited, Trombay in not absorbing 78 casual workers (as per list enclosed) w.e.f. their receipt of date of appointment on the permanent roll of the company is legal and justified ?

2. If not, what relief the concorded does not workmen are entitled to ?

REASONS:

9. The union examined Shirirang Pandurang Lambe (Ex-12), General Secretary, P.M. Jadhav (Ex-14), Jayant Gangadhar Dange (Ex-15), some concerned worker to establish their case. They also relied upon the documents which they filed alongwith Exhibit-7, 13 and 16. As against this the management examined Vasant Abhishek Narve (Ex-18), the Chief General Manager (K & D) (Ex-48) and also relied on the documents produced alongwith Exhibit-9.

10. The Thorium plant is located within the Bhabha Atomic Research Centre, Prentises at Trombay. It is under the department of Atomic Energy which is directly under the control of Prime Minister of India. The Indian Rare Earths Limited only manages the factory for and on behalf of the department of Atomic Energy. The salaries and emoluments of the employees in the Thorium plant and the running expenses of the factory are borne by the said department and not out of the funds of the Indian Rare Earths Limited. The Government of India, department of Atomic Energy provides necessary funds for this purpose from time to time by projector and/or from the revenue operations of the Thorium Plant. The accounts are maintained separately by Thorium plant and it is not part of the accounts of the Indian Rare Earths Limited.

11. It is not in dispute that Thorium plant at Trombay was commissioned in the year 1953. It is chemical industry. The raw material was Thorium Hydroxide is obtained from the factory at Indian Rare Earths Ltd. at Alwaye, Kerala State. Since the Thorium Nitrate is a strategic raw material required for the Nuclear Power programme the department of atomic energy regulates its production, use etc. runs the Thorium plant as a departmental undertaking and Indian Rare Earths Limited manages it on behalf of the Bhabha Atomic Energy.

12. Thorium Nitrate is essentially used for manufacture of Gas Mantles used in petromax. The gas mantle industry is a small scale sector. Though the country has advanced in electrical energy generation and the electrification, still there are many parts of the country which continued to use kerosene lamps and petromax lamps. Petromax is mainly used by petty shopkeepers and others all over the country. Thorium plants in the country is thus existing to meet the social need of the people of the country. The Thorium plant having outlived its useful life the department of atomic energy has established a new Thorium plant in the state of Orissa. It is designed to produce 150 tonnes per annum of Thorium Nitrate.

13. Karve, the General Manager had given in detail the working of the factory and its use. He affirmed that the Orissa plant was established with a view to scrap the plant at Trombay Isipco as had, from its useful life. According to him that plant would have been scrapped much earlier but for the want of Orissa plant in reaching its rated capacity it continued to operate. The plant at Trombay produces five tonnes of Thorium Nitrate per month. It is closed for refurbishing in November, 1994. About Rs. 1.3 crores were spent over it. He affirmed that about 7-8 crores would have been required for establishing a new plant. Prior to refurbishing the plant was producing about 12 tonnes of Thorium Nitrate per month.

14. Karve, informed that Thorium Nitrate is a radio active material, the atomic energy regulatory board of India after standing conditions of Thorium plant at Trombay and also keeping in view of international recommendations relating to radio active waste has revaluated the licence to run the factory upto 31-12-1997. The letter is at Ex-1 along with the affidavit. He brought the original when deposed before the Tribunal. He denied the suggestion that this letter is not a licence but is an authorisation for disposal of radioactive waste. From this letter it is very clear that the Trombay factory can be run only up to 31-12-97, and thereafter, Karve admits that if the authorities accepts their request to renew the same, they may renew it after seeing the conditions. He affirmed that he may get the licence renewed up to 2000. He produced a letter dated 29-9-83 (Ex-2) written by Chief Engineer in respect of the repair of Thorium plant building at Trombay. He reiterated that the report which is given earlier which is dated 23-9-93 is correct in respect of the building. It is asserted that the major repairs are not currently undertaken in so far as the plant is concerned. In other words from this letter it can be very well said that the factory is not likely to run for many more years. As per the licence it can be run up to 31-12-97 and not later on. It is the contention of the management therefore they are not employing anybody in the factory. On the contrary they have opted for a voluntary retirement scheme and other schemes, with a view to shifting the plant.

15. Exhibit-9/4 is a list of the Thorium Factory employees who have taken voluntary retirement. Exhibit 9/5 is a letter dated 5-10-88 which deals with voluntary retirement for the employees of a public enterprise. Exhibit-9/6 is an administrative instruction No. 528 dated 25-10-1988, Voluntary retirement scheme. It can be seen that under the said scheme the vacancy which arise after the voluntary retirement scheme is not to be filled up. It is tried to suggest on behalf of the management that after the said retirement and for some more time the plant has to be run through engaged casual labourers. They are not to be absorbed, I find substance in it.

16. The management had produced different letters alongwith Exhibit-9 which show that there were questions in the settlement and Rajyasabha in respect of Trombay plant and the plant at Orissa. It is reported that after the Orissa plant functioning to its full capacity the plant at Trombay has to be closed. While doing so the permanent employees of the Trombay plant had given different options. They were to be transferred to Orissa if they chose. They were to be absorbed in another companies subject to availability of the vacancies of the voluntary retirement scheme and of re-employment.

17. From the above said discussion and from the documents it is very clear that the company has to be closed down. They are running it for temporarily and for a particular period. The record shows that they are facing losses and the losses which are in lacs and increasing every year (Exhibit-9/2). In short in the year 1989-90 the losses were Rs. 33.30 lac which increased to Rs. 81.67 lacs in 1993-94. That position continued. It is affirmed by Karve. On this basis alone the claim of the company has to be accepted. They are employing these workmen with a view to the needful of factory for a temporary purpose. It is not in dispute that none of these employees have completed 240 days in a year giving them status of a worker in a continuous service.

18. Shirang Pandurang Tambe (Ex-12) is the General Secretary of the Union. He affirmed that all these employees are the members of their union. The company required about 50-60 casual employees per month and the factory produced goods at its full capacity. He affirmed that these employees are doing the work that of permanent workers and the management is against them and not ready to consider the demand. Karve denied it. It can be seen that Tambe is not a service of the company. He deposed on behalf of the workmen as they are the members of their union. The record clearly goes to show that the factory at Trombay is not working to its fullest capacity. On the contrary the production is reduced and it is facing losses. It is therefore the testimony of Tambe is not reliable. Prabhakar M. Jadhav (Ex-14) and Jayanat Gangadhar Mule (Ex-15) are the concerned workmen. They affirmed that they are employed in the company as a casual labourers and rotated in such fashion that they should not complete 240 days in a year. This position is not in dispute. All these employees are rotated with a view that everybody should get some work. It is not that they should not be given the status of continuous service. These two witness affirm that they are paid much less wages per day than the minimum wages which is denied by Karve. It is not in dispute that they are given the canteen facility and some other facilities. They affirmed that they do the work which is of a regular permanent and perennial nature which is denied by Karve. According to them they help the permanent employees. According to them about 40 casual labourers are employed every month. Karve denied this position and produced a list of casual labourers employed in the year 1989-1996, in different months. It is alongwith his deposition Ex-18. It appears that when the reference was made in the year 1994, about 60 casual labourers were employed every month. The number appears to be reduced in the year 1995 and 1996.

19. Mr. Dhotkar the Learned advocate for the union placed reliance on different authorities. One set of authorities deals with permanency of casual labourers and the other set of authorities deals with the question of equality for equal work. So far as the authorities relating to permanency of casual labourers are concerned he placed reliance on (1) Jawarhi Sugar Mills Ltd. Vs. Badri Prasad and Others reported in ILR 1981 ILLP (SC) at page 649; (2) R. Kumar Vs. Delhi Administration and Ors. reported in 1991 I CLR (Delhi) at page 487; and (3) Switati Mohanty and Ors. Vs. State of West Bengal and Others reported in 1994 I CLR (Calcutta) at page 578. It can be seen that in all these authorities the employers position is not like that of the present employer namely the company. Here the company itself is not permanent. Naturally the ratio given in these authorities had not application. It can be further seen that in these cases the employees worked continuously more than 240 days. That is not the case in the present matter. Under such circumstances the ratio given in those authorities have no application to the present set of facts.

20. Jadhav and Mule affirmed that they are doing the work which is of a permanent employee which is denied by Karve. These employees do the work of a purely unskilled jobs and assistance to the permanent employees. The work which is done by them indicates that the work is of regular nature, predetermined as in the case of regular incumbents. They are employed to work as and when the work arises and there is no description for them as to what work has to be done and in a particular department. Admittedly the departmental changes from time to time. Under such circumstances it cannot be said that these employees are doing the work like that of a regular employees and are entitled to wages like them. In the result the authorities namely: (1) Randhir Singh Vs. Union of India and Others reported in AIR 1982 (S.C.) at page 879; (2) Delhi Municipal Karamchari Elta Union Vs. P. L. Singh and Others reported in 1988 I CLR (S.C.) at page 585; (3) Dainik Bhartiya Dak Tar Mattoor March Vs. Union of India and Others reported in 1988 I CLR (S.C.) at page 494; (4) U.P. Income Tax Department Contingent Staff Welfare Association Vs. Union of India and others reported in AIR 1988 (S.C.) at page 517; and (5) The Bharwari District PWD Literate Daily Wages Employees' Association and others Vs. State of Karnataka reported in 1991 I CLR (S.C.) at page 534.

which the Learned Advocate for the union placed reliance on has no application. In the result I record my finding on the issues accordinngs and pass the following order:

ORDER

The action of the management of Indian Rear Earths Limited, Trombay, Bombay in not absorbing the 78 casual workmen (as per list enclosed) with effect from their respective date of appointment on the permanent roll of the Company is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का.आ. 3345 :— आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा इंडिया लिमिटेड के प्रबन्धनकारी के बब्डे नियोजितों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में, केन्द्रीय सरकार आंदोलिक अधिकारण न. 3, मुम्बई के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 नवम्बर, 1996 को प्राप्त हुआ था।

[मंथा-प्रल 11012/4/94-आई आर (विवाद)/(काल-1)]
ब्रज मोहन, इंक मधिकारी

New Delhi, the 7th November, 1996

S.O. 3345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workmen, which was received by the Central Government on 5th November, 1996.

[No. L-11012/4/94-IR(Misc.)/(Coal. 1)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 MUMBAI
PRESENT :

Shri S. B. Pansé, Presiding Officer.

REFERENCE NO. CGIT-2/28 OF 1995.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF AIR INDIA LIMITED
AND

THEIR WORKMEN

APPEARANCES :

For the Employer : Mr. P. A. Kulkarni, Advocate.

For the Workmen : Mr. S. M. Shetty, Advocate.

Mumbai, dated 10th October, 1996.

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/4/94-IR(Misc.)/(Coal. 1), dated 14-11-1995 had referred to the following Industrial Dispute for adjudication :—

“Whether the demand of Shri Ashrappa Gundu Chile, Casual Labour that he was employed for more than 240 days continuously before his termination w.e.f. 13-3-1991 by the management of Air India now Air India Ltd. is justified ? If so, to what relief the concerned workman is entitled ?”

2. Ashrappa Gundu Chile filed a statement of Claim at Exhibit-3. He contended that by a card No. 90491 he joined as a loader with Air India Ltd. on 8-7-1985. He was given a break on 9-11-1985. There after he worked as a casual in Canteen Department from April 1986 to July, 1986.

3. The worker pleaded that as his service record was excellent the management appointed him as a casual labourer in loading department for ramp operation. As per the usual practice he was given a form of a certificate to be got verified from the police. He got the verification from Dy. Commissioner Police on 23-3-1990. He was having a card No. 85058. He was given a break on 6-2-1990. He repeatedly requested the management to appoint him again. Accordingly he was taken on duty on 12-2-1991.

4. The worker pleaded that orally his services were terminated on 12-3-1991 contending that the Gulf war is likely to start from 14-3-1991. After the war was over he approached the management for re-appointment but he was not given any appointment. He pleaded that he had worked more than 240 days continuously in a year before the date of termination. It is submitted that no notice was given for termination. Under circumstances the termination is illegal and void.

5. The worker pleaded that the Senior Personnel Manager Mr. S. N. Rabhadia had given him a certificate dated 12-3-1991, that he is in service as casual labour during the period from 19-1-1990 to 6-2-1991 and from 12-2-1991 to 12-3-1991. This clearly goes to show that he has worked more than 240 days in a year. It is prayed that under such circumstances the management, may be directed to put the worker as a loader in ramp operation division, with full back wages and continuity in service with other consequential benefits.

6. The management resisted the claim by the Written Statement Ex-1. It is denied that the worker had completed 240 days in a year as alleged by him. It is asserted that casual labourers are appointed on the exigencies of the work and they are paid daily wages. The workman concerned was never appointed on a regular basis on a regular post. Hence the question of termination of his service illegally or otherwise does not arise.

7. The management contended that the worker worked with them for 110 days in 1985 but never worked in April to July, 1986 as alleged. It is averred that the certificate showing the working days which is alleged to be given by the officer of the company appears to be fabricated. It is submitted that there is no corroborative piece of evidence to support the certificate. On the contrary, there are documents to show that the worker did not work as alleged. It is therefore, prayed that the reference may be answered in favour of the management and the claim of the worker may be rejected.

8. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the demand of Chile the Casual Labour, that he was employed for more than 240 days continuously before his termination w.e.f. 13-3-1991 by the management of Air India Ltd. is justified ?	No.
2. If so, to what relief the concerned workman is entitled ?	Does not survive.

REASONS

9. Chile claims to be in employment of Air India from 8-7-1985 to 9-11-1985 as a loader is not in dispute. He also claims that he worked as a casual labour in a canteen department between April, 1986 to July, 1986 is in dispute, but that has nothing to do with the present reference.

10. Chile affirms that he was appointed as a casual labour in the loading department of Ramp operation on 19-1-1990. He was then asked to get a verification certificate from the Commissioner of Police which he brought on 23-3-1990. He was having a card No. 80508. He continued to work till 6-4-1990. Thereafter, he was given a break and then again taken on duty on 12-2-1990 and continued to do the work till 12-3-1991.

11. David Selvathan, Assistant General Manager, Recruitment affirmed that Chile was not appointed on 19-1-1990 but was re-appointed on 19-11-1990 till 6-2-1991. A letter dated 19-11-90 (Ex.-6/9) was written by the Personnel Officer to Concerned department clearly suggests this fact. He affirmed that thereafter he was in service from 12-2-1991 to 12-3-1991. It comes to 89 days and he was paid at the rate of Rs. 42/- per day.

12. The case of Chile is basically rest on the certificate issued by G. M. Rabadia (Ex. 5/3). This certificate speaks that "Chile staff No. 85088 has worked in Airforce Service Department Ramp Operation Division as a casual labourer during the period from 19-1-1990 to 6-2-1991 and from 12-2-1991 to 12-3-1991. After perusal of this certificate it can be seen that there is a rubbing so far as the date 19-1-1990 is concerned. It is tried to argue by

Kulkarni the Learned Advocate for management that the date must be 19-11-1990 and which is changed to 19-1-1990. Except this certificate there is no other evidence to support the case of Chile. No I discuss the grounds which leads to think that this certificate is not correct one and the dates should have been 19-11-1990 instead of 19-1-1990. David affirmed that the company do not keep the originals of the certificate or even the office copy. It is common knowledge that when a certificate issued to somebody the original is given to him and the office copy is which is normally a carbon copy is in office. The certificate which is produced along-with (Ex. 5/3) is a carbon copy.

13. S. M. Rao (Ex.-9) and David (Ex.-10) do admit that signature on the certificate of Rabadia which is dated 12-3-1991. They admit that Rabadia is now retired. In their office there is no record to show that Chile worked for the period which is mentioned in the certificate. It is tried to argue on behalf of the worker that Rabadia should have been examined to deny the contents of the certificate. It can be seen that it is not in dispute that Rabadia should have been examined to deny the contents of the certificate. It can be seen that it is not in dispute that when such certificates are prepared by the staff these officer only sign it. They are not expected to know the correctness of the contents therein because hundreds of workers work here and procure certificate for getting another employment. As such, non-examination of Rabadia is not prejudicial to the case of the management.

14. David affirmed that Chile was appointed in view of the letter dated 12-10-1990 (Exhibit-6/4) written by Sthanikya Lokadhikari Samkihi Mahsang. It recommended the names of the labourer for appointment. Name of Chile was at Serial No. 144. It can be seen that if he would have been appointed on 19-1-1990 then there was no question of his name being included in the list. It supports the case of the management, i.e. he was appointed on 19-11-1990.

15. David in his cross-examination admits that a casual labourer is engaged for 80 days at initial stage then there is a break of 5 days and again there is an employment of 80 days. The total comes to 110 days. He can be employed for a lesser period than that but not more than that. A judicial notice can be taken of the fact that the Casual Labour who worked in such a fashion approached the High Court of Bombay and got redressed. The High Court passed an order directing the management to regularise their services as a permanent employee if they found fit. Accordingly about 170 casual workers were regularised. That clearly supports the case of the management that at no time they employed a casual labour for more than 110 days. If that was the system which was practised for about 10 years then there must be some reason for giving employment to Chile continuously. No such reason has been brought on record to accept it. In other words there is no justification to accept the case of Chile. On the contrary these facts clearly support the case of the management that he was not employed from 19-1-1990, but was employed from

911-1990 for a particular period. As is so the worker cannot complete 240 days and his claim appears to be incorrect.

Mr. Chile affirmed that after joining the duty as labour in the loading department the management asked him to get a verification certificate from Dy. Commissioner of Police. He was claim to have received a proforma from the management. David affirmed that they did receive a certificate from Dy. Commissioner of Police dated 23-3-1990 and thereafter only on 19-11-1990 he was taken in service. Normally after getting such certificate the employment is given and not that employment is given and the certificate is brought later on. It does not help the worker but supports the case of the management.

"T" Exhibit-6/7 is a letter for recruitment of the post of temporary/casual labourer. It is dated 9-11-1990 which was addressed to Chile. If really Chile would have been in service there was no need of addressing this letter to him. This letter supports the case of the management. Ex.-6/5 is an Identity card of the worker which gives the date of joining as 19-11-1990. This again supports the case of the management. Ex.-6/6 is the Attendance record of Chile. His attendance is shown as affirmed by David. Exhibit-6/8 appears to be a statement showing payment made to Casual Labour. So far as this document is concerned there is no amount mentioned in it nor there is a signature of Casual Labour for having received the wages. I do not rely upon it.

Mr. Kulkarni, the Learned Advocate for the management argued that a false document is prepared by the worker. Therefore necessary action may be taken by the Tribunal in this regard. Looking to the jurisdiction of this Tribunal I am not shown how the Tribunal can take action in the matter. I have to simply answer the reference. For the reasons stated above I record my findings on the issues accordingly and pass the following order:—

ORDER

The demand of Shri Ashrappa Gundu (Chile) Casual Labourer that he was employed for more than 240 days continuously before his termination w.e.f. 30-3-1991 by the management of Air India now Air India Limited is not justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

मुद्रिका संख्या: 33484—शैक्षणिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार मैसर्ज वी. श्री श्री एन. ए. प्रथगदीह कोलियरी के अधिकारी के बंदरगाह नियोजकों द्वारा उनके कर्मकारों के वीच भिन्नवश्व में निर्दिष्ट शैक्षणिक विवाद में, केन्द्रीय सरकार शैक्षणिक अधिकारण, नं. 1 दैनिकाद के पंचपट को प्रकाशित

करती है, जो केन्द्रीय सरकार को 5-11-1996 को प्राप्त हुआ था।

[फैसला नं. 20012/71/89-आई आर (कोल-1)]

घर भोग्न, डैम्प अधिकारी

New Delhi, the 7th November, 1996

S.O. 3346—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Patherdih Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 5-11-1996.

[F. No. L-20012/71/89-IR(Coal 1)]
BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 72 of 1991.

PARTIES :

Employers in relation to the management of Patherdih Colliery of M/s. B.C.C.L. Ltd.
AND
Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate,

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar INDUSTRY : Coal.

Dated, the 29th October, 1996.

AWARD

By Order No. L-20012/71/89-IR(Coal-1), dated "n", the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:—

"Whether the demand of the Bihar Colliery Kamgar Union that Shri Taru Rajwar, whose name was struck off from the rolls w.e.f. 11-12-1974, be reinstated in the services of the management of Patherdih Colliery of M/s. B.C.C.L. is justified? If so, to what relief is the workman entitled?"

2. The concerned workman has appeared and filed written statement stating that he was working at Patherdih Colliery since long and had completed more than 240 days in a calendar year and he absented from work due to some unavoidable circumstances giving information to the management, but his name was removed from the muster roll with effect from 11-12-1974 without following provision of law as given under Section 25-F of the Industrial Disputes Act. It is said that the concerned workman and the sponsoring union represented the matter before the management at times but of no effect. Ultimately the matter was raised before the A.L.C.(C), Dhanbad and this reference was made by the Ministry for adjudication by this Tribunal. It is said that the action of the management in striking down the name of the workman from the muster roll was unjustified and it may be adjudicated accordingly.

3. I find that the management of Patherdih Colliery of M/s. B.C.C. Ltd. has appeared and filed written statement-cum-rejoinder, stating, inter alia that the reference itself is bad in law and not maintainable. In view of the authorities of the Hon'ble Supreme Court overstate dispute be rejected outright and no relief should be given as reported in Inder Singh & Sons Vs. Their workmen (SCLJ-I-104) and Shalimar works Ltd. Vs. Their Workmen (SCLJ-4 2228). Besides this it is said that the sponsoring union was estopped from raising dispute as per agreement reached with the management in this regard. It is said that the concerned workman had joined Patherdih colliery on 17-10-1971 and he was habitual absentee and he was hardly interested in his job. It is also said that the old records regarding attendance-sheet of the workman of the year 1973 was not available. From the provident fund statement record it would appear that the workman worked less than 100 days during the year 1972-73, less than 80 days during 1973-74 and less than 90 days during the year 1974-75. His attendance was also very poor in previous years and in not a single year the workman had put in required 240 days of work in 12 calendar months so as to attract provision of Section 25-F of the Industrial Disputes Act.

4. It is also said that the case is more than 16 years old and the management has no record as Attendance Register of the workman concerned and the management is not required to preserve such records for more than one years under Rule 75(C) of the Mines Rules. It is said that the sponsoring union is trying to take advantage of non-availability of record in the present case. It is said that the sponsoring union, Bihar Colliery Kamgar Union by letter dated 5-2-1988 had written to the management that the concerned workman had fallen ill in 1974 and being cured he went to join service with medical paper but he was not allowed to join. However, no such letter was produced by the concerned workman or by the sponsoring union. It is said that the service of the concerned workman was terminated by letter dated 11-12-1974 due to long absence and the plea of the sponsoring union that he was ill is totally false and if he was sick he might have received treatment from the dispensary of the colliery or hospital at Sudamdh Colliery but no such document was ever produced. It is also said that initially the Ministry of Labour had refused to initiate proceed-

ing vide letter dated 12-10-1989 addressed to the management and the sponsoring union. However, when the matter was again raised before the Ministry of Labour the present reference has been made by the Ministry. It is said that the meeting of the Central Consultative Committee with the management and union was held on 18-12-1980 where it was decided that the members of the union side pointed out regarding resumption of duty of those workmen whose names were removed from the rolls of the Company without following the procedure and the management agreed to re-employ them and the respective General General Manager was empower to re-employ them. But the case of the concerned workman was never raised before the management by the union.

5. It is also said that the management can't be forced to take a person on its roll who would work of his choice at any time he liked and be absent from duty as per his choice for years together and yet he would claim service after long lapse of more than 15 years or so and the stand of the sponsoring union in the present case was not reasonable at all and against the rules of business organisation or Industrial Establishment.

6. About the point raised by the workman in his written statement it is denied parawise and said to be incorrect or not correct at all parawise. It is also said that the concerned workman was habitual absentee and it was denied that his absence was due to unavoidable circumstances. Other statements made by the workman are also said to be misconceived and baseless and denied accordingly. It is further said that the action of the management was quite justified and award be passed accordingly.

7. I further find that the workman has given rejoinder to the written statement of the management and it is said that the concerned workman was an employee in permanent nature of job and statements of the management are false, frivolous, motivated and the same are denied. It is said that the concerned workman absented from duty due to illness and the same was informed to the management and the management was trying to take advantage of non-availability of records by destroying the statutory records or not producing the same before the Tribunal and it is said that an award be passed in favour of the workman.

8. On the basis of pleadings of the parties the following points are to be considered in this reference :—

- Whether the claim of the concerned workman and the sponsoring union for reinstatement of the workman with effect from 11-12-1974 is justified ?
- If so, what relief or reliefs the workman is entitled to get ?

9. Both the points are interlinked and are taken together for their consideration.

10. I find that no oral evidence have been adduced by either side and only some documents have been filed on behalf of the management and Ext.

Ex. M-1 is C.M.P.F. Account (photo copy) which includes the name of the concerned workman showing his share and that of employer's share for the years March, 1973, March, 1974 and March, 1975. Ex. M-2 is photo copy of minutes of meeting held on 1-9-1984 between the management and labour including the sponsoring union, and similarly Ex. M-3 is photo copy of meeting of discussion held on 19-12-1980 between the management and the Labour Union. Photo copy of the authority as reported in BBCJ 1994 page 499 by learned Justice S. B. Sinha of the Hon'ble Court where it was held that period of reference being stale and no explanation of delay was given—although no period of limitation is prescribed in respect of an Industrial Dispute but the Tribunal or Labour Court should discourage over stale claim unless satisfactorily explained". Similarly photo copy of award passed by this very Tribunal in Reference No. 53 of 1989 by the then Presiding Officer, Shri P. K. Sinha dated 13-6-1994 has also been filed in respect of another workman, Fakir Bouri, for striking his name from muster roll of the colliery and the action of the management was held to be justified and it was held that the workman was not entitled for any relief.

14. From the above noted authorities of the Hon'ble High Court, Patna and copy of award of this Tribunal in similarly placed of another workman it has been tried to show that the claim of this concerned workman was over stale for as long as 15 years and he was not entitled for relief as claimed.

12. I further find that no paper have been filed on behalf of the workman in support of his claim but some authorities have been filed which are Supreme Court Cases—Part II—November, 1989 page 562 (Ramaiah Vs. State of Karnataka and Others) where in case of misconduct punishment of penalty of dismissal was subscribed to compulsory retirement. Similarly 1982 S.C.C. Part-4 (L&S) page (124) has also been filed where it has been held by their Lordships "Absence without leave is a misconduct and termination of service on such ground with out complying with minimum principles of natural justice would not be justified". 1976 S.C.L.J. 85 has also been filed where effect of Sec. 25-F and 25-B sub-clause 2 of the Industrial Disputes Act have been explained by their Lordships. 1977 SCLJ 57 has also been filed which relates to Section 2A and Sec. 10 of the Industrial Disputes Act and it was held—"Striking off name of workman from rolls amounts to retrenchment—Non-compliance with mandatory provisions of Sec. 25-F (a) and (b)—Order of retrenchment is invalid 1996 Labour Law Reporter (Andhra Pradesh) page 411 has also been filed where it was held by Hon'ble Chief Justice and learned Justice of the Court that "For unauthorised absence for more than five years is misconduct and holding of enquiry—Imperative". 1991 Lab. I. C. 633 (Patna High Court) (Padam Chandra Jain and Another Vs. Chairman, Industrial Tribunal-II, Dhanbad) has also been filed where it has been held by learned Justice of the Hon'ble Court that "Non-compliance of Sec. 25-F 'Termination of service is illegal'. Similarly, 1989 Lab. I. C. 623 (Patna High Court) (State Bank of India Vs. Union of India and Others) has also been filed where it has been held by the learned Justice of the

Hon'ble Court that "Non-compliance of Section 25-F—Delinquent entitled to reinstatement with back wages".

13. On the basis of these authorities it has been argued on behalf of the sponsoring union and the workman that in the instant case compliance of provision of Sec. 25-F of the Industrial Disputes Act was not done by the management prior to termination of service of the concerned workman, as such action of the management was not justified and the workman was entitled for reinstatement with back wages, 1893 Indian Factories & Labour Reports—page 403 (Patna High Court) (Secretary, Barauni Tersodhka Mazdoor Union Vs. Presiding Officer, Central Government Industrial Tribunal) has also been filed on behalf of the workman and the photo copy of the same has been filed by the management where it was held by the learned Justice S. B. Sinha of the Hon'ble Court that "But Industrial Tribunal or Labour Court should discourage over stale claim unless satisfactory explanation therefor is given". This authority has been relied by the management also and the management has further filed S.C.L.J. (Vol-4) page 2228 (SC) (Shalimar Works Ltd. Vs. Their Workmen) where it was held by their Lordships—"Limitation for making reference—None prescribed but it should be made within reasonable time—Reference not made for a long time—Refusal to reinstate justified though no application for permission under Sec. 33 was made". It was also further held that "In the instant case the dispute was not referred for adjudication within reasonable time. It was referred more than 4 years after the old workmen were discharged. In the circumstances the relief of reinstatement had to be refused". Likewise 1993 Lab. I.C. page 1672 (SC) has also been filed by the management in Ratan Chandra Sammanta & Others Vs. Union of India and Others where it has been held by their Lordships—"Casual labourers—Retrenchment of—Re-employment—Right lost by delay. Delay—Defeats remedy as well as right". From these three authorities relied by the management alongwith award passed in Reference No. 53 of 1989 by this Tribunal, dated 13-6-1994 it has been steered on behalf of the management that the name of concerned workmen was struck off from the muster roll on 11-12-74 whereas dispute was raised before the A.L.C.(C) in the year 1988 and its report dated 14-2-89 i.e. the matter was raised for the first time by the concerned workman and the sponsoring union after lapse of 14-15 years and no explanation of this over stale and delay has been given. It is further submitted that the workman and the sponsoring union have claimed in the written statement that the concerned workman absented due to illness and when he went to join with medical certificate he was denied joining as his name was already been struck off. But surprisingly no such medical paper has been filed in this case to substantiate the contention that actually he was ill and could not be present to his duty due to unavoidable circumstances. I further find much force in the plea taken by the management that there is colliery hospital at Patherdih and also well equipped hospital at Sudamidh colliery nearby and if the concerned workman had fallen ill he might have got treatment from

this hospital and he would have been sick for the period of his absence and he should have produced fitness certificate from the concerned hospital where he was under treatment at the time of his joining. It is also said that the concerned workman has claimed that information has been given to the management and really if any information would have been given to the management the copy of such application would be available with the workman or he would have examined the person concerned through whom he had sent information to the management about his illness for absence, but surprisingly no oral evidence was adduced by the workman nor he dared to appear before this Tribunal for his own examination and cross-examination in this reference so as to test veracity of his statement. Not a chit of paper has been filed to support his contention.

14. I further find that as referred above a number of authorities have been filed to show that long absence from duty was a misconduct and retrenchment for such misconduct should made after compliance with the provision of Sec. 25-F of the Industrial Disputes Act. But as per documents filed by the management Exts. M-1 to M-3 it is clear that for the years 1973-75 the workmen had worked less than 100 days in a year and his working days did not exceed 240 days in a 12 calendar months in a year which is clear from these exhibits. The Attendance Register could not be available as per statutory rules the same is to be preserved only for a year and this case being raised after 15 years the same could not be produced to be looked into.

15. From Exts. M.1 to M-3 certainly reliance could be placed that he did not work for more than 240 days in 12 calendar months so as to attract provision under Sec. 25-F of the I.D. Act. Moreover as per authorities of Hon'ble Supreme Court right of remedy is lost due to delay and over stale claim of the concerned workman and the sponsoring union and as per authority reported in 1993 Lab. I.C. 1672 and I.D. Act, 1947 Sec. 10 page 2228 as held by their Lordships of Hon'ble Supreme Court delay of four years in raising the dispute was considered to be over stale and it was held that the plea of reinstatement had to be refused to the discharged workman and in the instant case this dispute was raised after 14-15 years of striking off name of the concerned workman from the muster roll of the company or management and having no explanation of this long over delay I do not find anything so as to consider the claim of the workman and the relief claimed by him.

16. In the result, I find that due to this over stale claim of the concerned workman and the sponsoring union without any convincing explanation the claim of the workman can't be said to be justified and the concerned workman is not entitled for relief as claimed.

17. Accordingly, the following is the award—

That the demand of the Bihar Colliery Kamgar Union that Shri Tarn Raiwar, whose name was struck off from the roll with effect from 11-12-1974 be reinstated in the services of the management of

Patherdih Colliery of M/s. B.C.C.Ltd. is not justified and the concerned workman is not entitled for relief as claimed.

Under the circumstances of the case, there will be no order as to the cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, ५ नवम्बर, १९९६

का.आ. ३३४७:— श्रीधोगिक विवाद अधिनियम, १९४७

(१९४७ का १४) की धारा १७ के अनुग्रह में, केन्द्रीय सरकार यहां बैंक के प्रबंधसंस्कृत के मंजदूर नियोजिकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण २, मुम्बई के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को ४-११-१९९६ को प्राप्त हुआ था।

[संदर्भ एल-१२०१२/२८५/९२-आई.आर. (बी.-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 4-11-1996.

[No. L-12012/285/92-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/7 of 1993

Employers in relation to the management of
United Commercial Bank

AND

Their workmen.

APPEARANCES :

For the employer—Mr. A. S. Satpute Representative.

For the workmen No. 1—Mr. B. C. Ghavi, Representative, UCO Bank Workers Organisation.

No. 2—Mr. C. M. Patel, Representative
UCO Bank Employees Union.
Mumbai, the 14th October, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/285/92-IR (B-II) dated 27-1-93 had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of UCO Bank in relation to its Pune Division in not notifying the three Special Allowance Posts viz., Head Cashier, 'A', Pimpri, Asstt. Head Cashier, Pimpri and Asstt. Head Cashier, Pune as a time even though they were existing simultaneously on 24-9-87 ? If not, to what relief is Shri N. R. Daware, Asstt. Cashier entitled ?"

2. The General Secretary for United Commercial Bank Workers Organisation filed a statement of claim at Exhibit-2. It is contended that on 24-9-87 the bank notified the post of Asst. Head Cashier at Pimpri instead of offering the same to the senior most from the cash department. Mr. B. J. Kale the senior most person among the cash department who applied for the post in reference to the said notification and was subsequently selected for that post. Thereafter Mr. Daware represented the bank to fill up the post of Asstt. Head Cashier at Pune camp by his representation dated 23-2-88. But the bank showed its inability by the letter dated 28-3-88. The Organisation therefore raised a dispute before the Assistant Labour Commissioner, Pune. A settlement was signed between the bank and the representative of the union dated 13-4-88. The main feature of the new promotion policy settlement is that integration of cash and accounts department. In the light of the directions settlement was arrived between the organisation of the bank on 6-5-88. It was obligatory on the bank to implement it within 15 days but it did not. Hence, the organisation complained about non-implementation of settlement to Assistant Labour Commissioner, Pune. A show cause notice was issued to the bank. The Deputy General Manager, Bombay replied to that letter wherein he confirmed that "the post of Asstt. Head Cashier at Pimpri has already been filled in prior to signing of settlement. The remaining posts of Assistant Head Cashiers at Pune camp would be notified and filled in soon." It is averred that instead of notifying the post the bank transferred Kale with an oblique notice to deprive Mr. Daware of his posting to Pune Camp as Assistant Head Cashier. It is averred that instead of notifying the post the bank committed a grave breach of the new promotion policy settlement more particularly clause-4 of the third recital of it. It is submitted that the bank has adopted unfair labour practice in showing favouritism to Kale who is a member of the union than that of Daware who is a member of the organisation. It is therefore

prayed that the order may be passed posting Daware as the Assistant Head Cashier at Pune Camp Branch on the basis of his seniority on 1-3-86 with other reliefs.

3. The union filed a statement of claim at Exhibit-3'. It is averred that the bank should have notified all the three posts on 24-9-87. But it did not. I only notified the post at Pimpri branch for which Kale applied. He being the senior most was offered that post and he was posted. It is averred that before he was relieved from that post Kale made representation informing the bank that the post of Assistant Head Cashier, Pune should have been notified and given to him. It is submitted that he then raised a dispute and later on it was settled on the basis of the settlement before the Assistant Labour Commissioner. On its basis the transfer order was issued in favour of Kale. It is submitted that no unfair labour practice was practised by the bank. It is submitted that the organisation has no case for complaint and the dispute is raised within a malafide intention of stalling the transfer of Kale to hold the post of Assistant Head Cashier at Pune Camp Branch and infact the organisation has indulged in unfair labour practice. It is prayed that the dispute be dismissed with costs.

4. The bank resisted the claim by the written statement Exhibit-4. It is averred that the three posts carrying functional allowances existed simultaneously as on 24-9-87. It is pleaded that it would have been desirable for the bank to issue a notification for all the three posts simultaneously so that the senior most employee could get the post of his liking. However, only one post of Assistant Head Cashier at Pimpri was notified on 24-9-87. Kale being senior most was selected for the same. In the amended written statement it is pleaded that it was no obligatory on the bank to notify all the vacancies at one and the same time. It is averred that the bank had not shown any favouritism to union nor the organisation. It is contended that the mistake which was committed by the bank in not notifying all the three posts at a time was corrected later on by transferring Mr. Kale from Pimpri to Pune as per his representation and the settlement. It is submitted that the bank had not committed any illegality in transferring Kale, from Pimpri to Pune camp and not allotting the posts of Daware as claimed by him. It is submitted that it is wrong to say that the bank had violated the settlement which took place before the Assistant Labour Commissioner. It is averred that the organisation is raising this dispute with a malafide intention of getting Daware posted at Pune Camp and nothing more than that. It is submitted that the contention of unfair labour practice is beyond the term of reference made to the Tribunal and hence it has to be ignored. It is

asserted that there was no question of any favouritism to any of the parties. It is prayed that the reference may be disposed off accordingly.

5. The organisation filed a rejoinder at Exhibit-9 & 19 and asserted their contention which they took in the statement of claim. The organisation also denied the other contentions which the bank had taken in the written statement.

6. The union also filed rejoinder at Ex-20, and asserted their contentions which it took in their statement of claim. They admitted some position which the bank pleaded in their written statement and denied which is not suitable to it.

7. The issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
1. Whether the action of the management of UCO Bank in relation to its Pune Division in not notifying the three Special allowance posts viz., Head Cashier 'A' Pimpri, Asstt. Head Cashier, Pimpri and Asstt. Head Cashier Pune at a time even though they were existing simultaneously on 24-9-87 is justified	Not justified
2. If not, to what relief is Shri N. R. Daware, Asstt. Cashier entitled to ?	No reliefs. For the re-given below

REASONS

8. In the written statement the bank in paragraph-3 & 4 had categorically mentioned that three posts carrying functional allowance existed simultaneously as on 24-9-87. They were (a) Pimpri branch Head cashier category 'A' (b) Pimpri branch Asstt. Head cashier (c) Pune camp branch Asstt. Head cashier. It is further observed that it would have been desirable for the bank to issue notification for all the three posts simultaneously so that the senior most employee can get a post of his liking.

9. Daware (Ex-12), Kale (Ex-26) and Mohan Shridhar Kulkarni (Exhibit-28) the senior branch manager affirmed to that effect. In fact Mr. Kulkarni in his cross-examination admits that it was error of not issuing a notification of the three posts simultaneously. He had no justification for the same. Obviously the action of the management to that effect is unjustified.

10. Now it has to be seen whether Mr. Daware has to be benefitted by the unjustified action of the management.

11. From the evidence there are certain facts which can be said to be not in dispute. The bank maintains a seniority list. So far as the promotion on the present reference is concerned the seniority list is on 1-3-86 (Ex-11|1) has to be taken into consideration. No doubt Kulkarni in his cross-examination admits that there are some mistakes in it. But so far as the seniority of Kale and Daware is concerned there is no dispute. Kale is admittedly senior to Daware on that date.

12. On 8-7-87 the union wrote a letter to the management that it should fill up the post at Pimpri branch which had fallen vacant. The bank has given response to this letter by its letter dated 9-7-87 (Ex-8|4). It assured the union that the post will be filled up. It is pertinent to note that Asstt. Head Cashier, Pune was transferred on promotion on 7-7-87. That post became vacant on 14-8-87 which is to be said as a resultant vacancy.

13. On 24-9-87 the management issued a notification for the post of Pimpri instead of offering it to senior most eligible candidate (Exhibit-8|6). After receipt of notification Daware, Kale and other applied for that post. Infact there was a memorandum of understanding dated 14-12-87 (Ex-25|1) by which the promotion policy 1981 was suspended from 1-9-86. But even then on the basis of the seniority the bank offered the post of Assistant Head Cashier, Pimpri to Kale on 1-1-88. Kale was then posted there. He was working at Budhwar Peth branch at that time.

14. On 23-2-88 (Exhibit-8|5) Daware made a representation to fill up the post at Pune Camp branch namely that of Assistant Head Cashier. In between the organisation raised an Industrial Dispute bearing No. 7 of 1988 (Exhibit-8|6) on 9-3-88. Daware received the reply from the bank that the promotion policy is in abeyance after 1-9-86. The reply is dated 28-3-88. On 13-4-88 (Exhibit-6|1) a promotion policy was signed. It is pertinent to note that there was a settlement in respect of the Industrial Dispute between organisation and bank on 6-5-88. When this settlement was arrived at a new promotion policy settlement was taken into consideration which speaks that filling up with vacancies in other functional allowance carrying posts in clerical cadre resulting from completion of promotion of officer cadre initiated prior to 1-9-86 would be done as per the seniority of 1-3-86.

15. Exhibit-'5|3' is the Memorandum before the Assistant Labour Commissioner. The terms of settlement were :

1. That, the employer agrees that, the two vacancies of Asstt. Head Cashier at Pune Camp and Pimpri branch will be filled as per seniority list of 1-3-86 as per the procedure laid down in the old promotion policy of 1981.
2. The implementation report of the settlement will be furnished to this office and copy to the Regional Labour Commissioner (C), Bombay failing which the settlement will be deemed to have been implemented in full.

16. It is rightly argued by the union and the bank that on its basis what was to be seen is the seniority on 1-3-86. They have seen the seniority on 1-3-86 which clearly speaks of Kale senior to Daware. They had not committed any irregularity in respect of this settlement which took place before the Assistant Labour Commissioner.

17. It can be further seen that the union served its demand to the bank on 15-7-88. More particularly this demand was of Kale's transfer to Pune Camp branch. The bank gave a reply on the Assistant Labour Commissioners Show Cause notice on 11-8-88. Exhibit-'5|4' which was reference to the violation of promotion policy and injustice to another member of staff and non-implementation of settlement dated 7-3-89. The letter was written by Dy. General Manager and had asserted that they have not violated any of the directions and the settlement Exhibit-'5|5' is a short recital of promotion policy settlement dated 13-4-88.

18. Mr. Kale made representation to the bank on 24-9-88 (Exhibit-8|1). When he made the representation he was still working at Budhwar Peth. He requested that he should be transferred to Pune branch. The bank posted him at Pune Camp Branch as Asstt. Head Cashier by its Order dated 5-6-89 (Exhibit-8|2). Before that the bank informed the union by its letter dated 5-10-88 (Ex.-8|3) that the post of Pune fell vacant on 14-8-87. After Kale's transfer the bank write a letter to Asstt. Labour Commissioner on 14-8-89 (Ex.-6|2) and asserted that they had rightfully transferred Kale to Pune Camp branch as per the seniority. They have corrected the mistake which was committed earlier. This was affirmed by Kulkarni. I find substance in it. I have already discussed above that if all the three post's would have been notified on 24-9-87 Kale the senior most eligible person as per the seniority list dated 1-3-86 would have applied for the post of Pune Camp branch and the bank should have given him

the said post. Kale affirmed that he applied for the Pimpri post because he had no choice at that time. I find substance in it. It has to be seen that the mistake which was committed by the bank should not come in the way of the right of a party, here Mr. Kale. It can be further seen that the bank was given enough opportunity to consider its mistake and correct the same. But here the organisation who is interested in its member namely Daware tried to raise a dispute, which I find without any merit.

19. Kulkarni affirmed that union filed a suit against the bank for restraining the bank for notifying other two vacancies for which settlement was entered into on 6-5-88. After words that suit was dismissed on the point of jurisdiction. Thereafter Kale raised an Industrial Dispute on the issue and the said dispute was resolved at Assistant Labour Commissioner Officer, Mumbai. Thereafter Kale was issued an Order on 5-6-89 posting him to Pune Camp Branch as Assistant Head Cashier from Pimpri. In other words the order of transfer of Kale which was issued by the bank was on the basis of the settlement which took place before Assistant Labour Commissioner between union and the bank. Now there are two settlements before Assistant Labour Commissioner. One is between the bank and the Organisation and other is between the union and the bank. So far as the settlement in respect of union is concerned it directly links with Kale's transfer from Pimpri to Pune Camp. So far as the settlement with organisation is concerned there is no specific settlement in respect posting of Daware. I have already discussed above the terms of the settlement, the reasons which I have already given above clearly justifies the action of the bank in transfer of Kale to Pune Camp. The result is that Daware is not entitled to the relief which he claims. In fact the relief which he claimed was getting posting at Pune Camp. For all these reasons I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of U.C.O. Bank in relation to its Pune Division in not notifying the three special allowance posts viz., Head Cashier 'A', Pimpri, Asstt. Head Cashier, Pimpri and Asstt. Head Cashier, Pune at a time even though they were existing simultaneously on 24-9-87 is not justified

Shri N. R. Daware, Assistant Cashier is not entitled to any reliefs for the reasons stated above.

S. B. PANSE. Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का.आ. 3348:- आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार यूनाइटेड बैंक आंफ इंडिया के प्रबंधित वंश के संबद्ध नियोजितों और उनके कमांडरों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, कोनपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[संख्या एल-12012/248/91-आई.मार. (बी. II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3348.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on the 5-11-96.

[No. L-12012/248/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 203 of 1991
Shri Pinaki Bose,
15/4, B. Govindpur Colony,
Allahabad.

AND

The Assistant General Manager (P)
United Bank of India.
Head Office,
16, Old Court House Street,
Calcutta.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/248/91-IR. B-II dated 11, has referred the following dispute for its adjudication to this Tribunal—

“Whether the action of the management of United Bank of India, the Asstt. General Manager (P), Calcutta in relation to their Tagore Town Branch at Allahabad in dismissing from service Shri Pinaki Bose, Clerk, w.e.f. 29-4-1989 is justified ? If not, to what relief the workmen concerned is entitled ?”

2. The concerned workman Pinaki Bose was originally appointed as Godown Clerk with the opposite party M/s. United Bank of India, Main Branch, Birhana Road, Kanpur, on 1-8-73. He was subsequently appointed as Clerk on 1-5-75 and was posted at Tagore Town Branch of the Bank at Allahabad. He was served with a charge-sheet dt. 1-1-87 which runs as under—

- That Sri Bose has made a fictitious credit entry of Rs. 500/- in his S. B. A/c 2597 after erasing and inflating the balance figure and the amount was subsequently withdrawn by him on 13-7-81.
- That on 6-3-82 after withdrawal of Rs. 50 from his S. B. A/c 2597 he managed to enhance the balance figure by Rs. 100/-.
- That on 20-8-82, he withdraw Rs. 50/- after managing to enhance the balance figure in his S.B. A/c 2597.
- That on 6-9-82, after withdrawal of Rs. 400/- from his S.B. Account no. 2597 he altered and enhanced the balance figure by Rs. 800/-.
- That on 11-4-79 he altered the credit entry in his S. B. Account no. 2597 from 46.11 to Rs. 146.11 and accordingly the balance figure was enhanced by Rs. 100/-.
- That on 8-12-79 a credit entry of Rs. 54.18 was changed to Rs. 154.18 unauthorisedly in his hand and the balance figure was enhanced accordingly in the ledger.
- That on 1-7-80 the credit entry of Rs. 196.96 in his S. B. A/c was changed by him to Rs. 396.96 and the balance figure was changed accordingly.
- That on 13-10-81, the credit entry for Rs. 10.80 in his S.B. A/c 2597 was altered by him to Rs. 1010.80.
- That on 27-4-82, his salary credit voucher for Rs. 835.63 was inflated to Rs. 1835.63 at his instance and the balance in his SB Account 2597 was changed accordingly.
- That on 11-8-82 the credit entry of Rs. 27.50 in S.B. Account 2597 was changed by him to Rs. 127.80 and the balance figure was changed by him accordingly.
- That on 19-8-82, a credit voucher of Rs. 750/- was entered in his SB Account and the balance figure of 19-8-82,

24-8-82, 25-8-82 and 30-8-82 was enhanced by Rs. 200/- and the next ledger entry was made by him on 4-9-82 unauthorisedly though at that point of time, he was entrusted with S.B. ledger no. 5, 6 and 7.

12. That on 31-3-81, without debiting his S. B. Account 2597 for Rs. 700.00 his instalment loan a/c was credited by him the same amount and the vouchers were prepared by him and without debiting his Saving bank account he entered the same in the sub-cash book.
13. That on 16-5-82, against transfer debit voucher of Rs. 800 in his Saving Bank Account 2597 prepared by him FDR No. 3446/644659 for Rs. 800 in the name of his daughter Kr. Samita Bose was issued. The transfer debit voucher was not posted in the ledger but the ledger folio no. was put by him in the sub-cash book by him without debiting ledger account.
14. That on 10-7-82, transfer debit voucher for Rs. 150 to the debit of his Saving Bank Account 2597 was prepared by him for credit to RD account standing in the name of his sister in law, Miss Kaabita Dey but without debiting the ledger account the credit was effected and the debit voucher was entered in the sub-cash book by him only.
15. That on 3-9-82, one transfer voucher for Rs. 2000/- to the debit of his Saving Bank Account 2597 was prepared by him against which one RIP No. 787[12] 372324 for Rs. 2000 was issued in his name, but the debit voucher was not posted and debit in his Saving Bank Account 2597. Without debiting the amount the ledger folio no. was given by him in the voucher and the debit voucher was entered in the sub-cash book by him.

3. Thus by his said acts he has interfered deliberately and unauthorisedly with the books of accounts and records of the bank and committed fraudulent misappropriation of the bank's money for his personal gain and purpose thereby causing financial loss to the bank. He is, therefore charged to have committed the following acts of gross misconduct within the meaning of clause 19.5 (j) of the bipartite settlement dated 19-10-66.

Doing an act prejudicial to the interest of the bank.

He submitted his reply on 27-1-87 admitting his guilt and prayed for mercy. Shreshant Mukharjee Dy. Regional Manager Central Region Lucknow,

was appointed as enquiry officer. Earlier on the basis of admission of the charges by the concerned workman, the enquiry officer had submitted his report against the concerned workman. The management had directed to the enquiry officer to hold denovo enquiry by order dt. 8-10-87 by scrutinising the evidence which may be filed by the parties. This time a management examined Shanti Moy Mukharjee MM. 1, Parmendo Shanker MW. 2 and Nanigopal Bhattacharayajee. Further Ext. M. 1 to M. 79 documents were also filed. The concerned workman did not adduce any evidence. He also did not give his oral evidence. This time the enquiry officer by referring to the various entries in the ledger etc. submitted his report on 22-9-88 holding that all the charges were proved. Show cause notice dt. 1-3-89 was given to him. After that by order dt. 20-4-89 he was dismissed from service, appeal filed by him on 24-2-90 was also dismissed. Thereafter, the instant industrial dispute was raised at the behest of the concerned workman.

4. In his claim statement the concerned workman has challenged the validity of inquiry report on the ground that admission was obtained by the management on the pretext that a lenient view would be taken. He had not committed any misconduct a tall.

5. The opposite party in the written statement denied these facts and reasserted that the concerned workman has committed misconduct of embezzlement and interpolation in the account books for personal gain.

6. In the rejoinder nothing new was alleged.

7. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic inquiry was framed and finding was recorded on 15-2-86 holding that inquiry was fairly and properly held. These findings shall form part of the award.

8. Now the parties has been heard on the question of quantum of punishment. It has been seen that the concerned workman has been guilty of interpolation in bank's record and also for embezzlement of money customers which is certainly is an act of gross misconduct entailing loss of confidence of the employer. In such a case nothing sort of dismissal would be adequate punishment. The contention of workman is that his admission was obtained by misrepresentation is also not convincing and in any case is not supported by any evidence. Hence, question of taking lenient view of this score does not arise.

9. In the end I am also of the opinion that punishment awarded to the concerned workman

is quite proportionate to his misconduct and does not call for any interference.

10. Accordingly my award is that the action of the management in dismissing the concerned workman is justified and the concerned workman is not entitled for any relief.

11. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का.ग्रा. 3249:— श्रोदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरहार मैट्ट्रिय बैंक आंक इंडिया के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रोदोगिक विवाद में केन्द्रीय सरकार श्रोदोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[संख्या एल-12012/398/92-आई.आर. (बी.-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 5-11-96.

[No. L-12012/398/92-IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

BETWEEN

Industrial Dispute No. 32 of 1993

In the matter of dispute :

Sri B. P. Saxena, Member, Central Committee
U.P. Bank, Employees Union W-1,
127/191, Saket Nagar, Kanpur.

AND

Regional Manager, Central Bank of India,
88-B, Civil Lines, Bareilly.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/398/92, I.R. B.II, dated 19-3-93 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Central Bank of India by not paying his full pay and allowances after one year of suspension w.e.f. 13-1-85 until his reinstatement to Sri S. N. Sarin clerk| Teller is legal and justified ? If not, to what relief the workman is entitled to ?

2. The concerned workman S. N. Sarin was posted as clerk/teller at Chauraha Gate Branch Moradabad of the opposite party Central Bank of India. There is no dispute that he was issued a memo on 12-1-84 for certain acts of omission and commission involving interpolation of bank record and embezzlement. He was placed under suspension on 13-1-84. Regular chargesheet was given to him on 25-8-86. Later on his suspension was revoked on 12-12-86. The concerned workman was not given full pay as subsistence allowance from 13-1-85 to 12-12-86, hence he has arised the instant industrial dispute.

3. In the claim statement it is alleged that according to terms of bipartite settlement he was entitled for full pay after lapse of one year from the date of suspension order i.e. 13-1-84 as full pay, as the management itself was responsible for not completing the inquiry within one year and serving chargesheet as late as on 25-8-86.

4. The opposite party has filed reply in which it is alleged that FIR was lodged on 7-1-84 at P.S. Kotwali Moradabad and investigation remained pending upto 23-6-86 when Final Report was accepted by the concerned Magistrate. Hence the concerned workman would not be entitled for subsistence allowance at full pay rate.

5. Bipartite Settlement dated 8-9-93 regarding grant of subsistence allowance during the course of suspension has inter alia adopted the provisions of para 557 of Shastri Award Para 17-14 on Desai Award. According to these provisions where an investigation is not entrusted to or taken up by an outside agency i.e. police or C.B.I. subsistence allowance will be payable at full rate after passing of one year from the date of suspension order. The case of the concerned workman is that as no investigation was pending according to above provisions the concerned workman was entitled to full pay. On facts I do not find any substance in this plea. The management has filed copy of F.I.R. against the concerned workman dated 7-1-84. Thus there is copy of order sheet of the Court of C.J.M. Moradabad dated 23-6-86 which would go to show that Final Report was submitted by the

police and the same was accepted. Thus it is obvious that during the period of suspension from 13-4-84 upto 23-6-84 investigation was pending against the concerned workman. Thus in terms of above mentioned provisions the concerned workman would not be entitled for subsistence allowance at full rate. In any case he will be entitled for subsistence allowance at full rate from 24-6-86 upto the date of 20 vacation of suspension order as during this period no investigation was pending.

6. Hence, in view above my award is that the action of the management was justified in not awarding full pay by way of subsistence allowance to the concerned workman from 13-1-86 upto 23-6-86. Any way the concerned workman was entitled for subsistence allowance at full rate from 24-6-86 upto 12-12-86 i.e. date of revocation of suspension order. The concerned workman will be entitled for full wages from 24-6-86 upto 12-12-86.

7. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का. आ. 3350:- श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में, केन्द्रीय सरकार श्रीधोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[संख्या एन-12012/241/91-आई.आर. (वी.-II)
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 5-11-96.

[No. L-12012/241/91-IR(B-II)]
BRAJ MOHAN, Desk Officer
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, DEOKI PALACE ROAD PANDU
NAGAR, KANPUR

Industrial Dispute No. 202/91

In the matter of Dispute :

BETWEEN

Manohar Singh Pawar, D.C.A., 1, M.E.S.
Cantt, Bareilly.

AND

Deputy General Manager, Syndicate Bank,
43/28, Naval Kishor Road, Sky Lark
Tisra Nal Lucknow.

AWARD

Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/241/91-TRBH, dated Nil has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Syndicate Bank in terminating the services of Sh. Manohar Singh, Water-cum-Attender/Peon is justified ? If not, to what relief is the workman entitled to ?

2. It is unnecessary to give facts of the case in detail as after exchange of pleadings by the parties the concerned workman started absenting himself. Hence the reference is answered against the concerned workman for want of prosecution.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का. आ. 3351:- श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में, केन्द्रीय सरकार श्रीधोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ ।

[संख्या एन-12012/196/82-आई.आर.वी. II)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 5-11-1996.

[No. L-12012/196/82-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR KANPUR

Industrial Dispute No. 25 of 1992

In the matter of dispute :

P. K. Misra S/o Shri Harihar Misra
29/8, Vishnupuri Colony
Nawabganj Kanpur.

AND

Regional Manager
Punjab National Bank
Regional Office
The Mall Kanpur.

APPEARANCE :

Shri B. P. Saxena—for the workman.
Shri S. Kapoor—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/196/82-D.2-A (PT) dated 10-2-92, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank in removing Shri P. K. Misra from the services of the Bank in the year 1982 is justified ? If not, to what relief is the workman entitled ?

2. The concerned workman P. K. Mishra was working as cashier-cum-clerk in the Gandhi Nagar Branch, Punjab National Bank, Kanpur on 2-4-81. It is alleged that on that day he had misappropriated Rs. 4700 which was received by him from a customer and thereby he had committed an act of misconduct. In this regard a domestic enquiry was held. One Pradeep Kumar an officer of the Bank was appointed as Enquiry Officer. He submitted his report on 14-11-81 holding that this charge was duly proved hence the appointing authority passed an order of dismissal in the year 1982. Feeling aggrieved the concerned workman had raised this Industrial Dispute before conciliation office. The Central Government declined to make reference. Hence the concerned workman filed writ petition No. 1137 of 1984 before Hon'ble High Court. By judgement and order dated 24-9-91 Hon'ble High Court directed to make the reference. Accordingly this reference was made on 10-2-92.

3. In the claim statement the concerned workman has alleged that it was not a case of misappropriation instead it is a case of shortage which some times does occur while dealing with cash. The fairness and propriety of domestic enquiry report was also challenged. In reply the management had alleged that it was a clear case of misappropriation. Domestic enquiry was fairly and properly held. A preliminary issue was framed on the question of domestic enquiry. On 24-5-96 it was held that enquiry was fairly and properly held. Thereafter parties were heard on the quantum of punishment.

4. The Au. Rep. of the concerned workman has argued that finding of enquiry officer reveals that it is not a case of misappropriation of Rs. 4700. Instead it is case of shortage. It may be mentioned that while recording finding on domestic enquiry this aspect was not considered as to whether facts constituting misappropriation, actually amount to misconduct or it is an act of genuine shortage. For misappropriation, there must be entrustment of money and retention of the same malafide with intention to not to give it to the owner. In the instant case there is no dispute that Rs. 4700 were received by the concerned workman from the customer as such entrustment of Rs. 4700 is there. However I am not inclined to agree that the concerned workman has appropriated it with malafide intention. From the report of enquiry officer itself, it is borne out that immediately after closure of customers hours of the bank the concerned workman had informed the Branch Manager about this shortage at 3 P.M. It is also revealed that this amount was subsequently adjusted as protested advance on that very date. Once the bank has realised this amount on that very date there was no appropriation of money left with the concerned workman. Further had there been malafide intention the concerned workman would not have informed branch manager on that very day at 3 P.M. about the shortage of Rs. 4700. From all this it will follow that actually it was not a case of misappropriation of amount. Instead it was a case of shortage. The conduct of branch manager in adjusting it as protesting advance also leads to the conclusion that action against the concerned workman was taken, treating it as the case of shortage. Thus my finding is that actually it was a case of shortage and not a case of misappropriation. There was no mens rea. Hence what was proved before the enquiry officer was shortage and not misappropriation. At the most the concerned workman was liable for negligence. Hence in my opinion the action of the management imposing punishment of removal from service is not justified. Instead a punishment of 10 per cent cut in arrears of wages would meet the end of justice for negligence.

5. Hence my award is that the action of management in order from removal from service is not justified, he is entitled for reinstatement with back wages after deducting 10 per cent of the same by way of punishment for negligence.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का.आ. 3352:- श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबंध नियोजकों श्रीर उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सकारात् को 5-11-96 को प्राप्त हुआ था।

[संख्या पल-12012/179/94-प्राई.आर. (बी. II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3352.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers, in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 5-11-1996.

[No. L-12012/179/94-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 93 of 1994

In the matter of dispute :

BETWEEN

Sachiv

Allahabad Bank Employees Union
134, Block 'F' Panki Kanpur.

AND

Sahaik Mahaprabandhak

Allahabad Bank

Central Mandal Karyalaya,
Hazaratganj Lucknow.

APPEARANCE :

Shri M. K. Verma—for the Management.
None—for the workman.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/179/94-I.R. (B-II) dated 8-11-94, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank, Lucknow in not assigning the post of Cashier-in-charge Category 'A' to Shri Ram Sumer, Clerk-cum-Cashier w.e.f. April 1991 is justified ? If not, what relief is the said workman entitled to and from which date ?

2. It is not necessary to give details of the case as after sufficient service the concerned workman has not turned up for adducing his evidence. Hence the reference is answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer